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DOCUMENTS ON KASHMIR PROBLEM

Edited by

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R. Grover

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INTRODUCTION

The history and culture of Jammu and Kashmir were part of the pan-Indian civilization. It was partly due to geography, the Himalayas and the Western and Eastern ranges separating it from rest of the world, and partly due to the Brahmanical culture, with Sanskrit as the lingua franca, which gave it a unity in the eyes of the upper strata of society. From centuries, Kashmir remained free from racism, communalism and casteism even during the communal structure of Dogra Raj. The National Movement against the feudal exploitation, led by Sheikh Abdullah, which was started in 1930 and continued upto 1947 was the result of the growth of national consciousness in Jammu and Kashmir. Various national leaders of India, including Pandit Jawaharlal Nehru and Maulana Abdul Kalam Azad recognized the democratic and nationalist spirit of this struggle. But British imperialists and the Hindu press tried to interpret and project it as a "result of the dispute between the Hindus and the Muslims". Inspites, this anti-feudal movement was participated by a broad section of peasants and artisans came out to fight in the streets. This insurgency of 1931 awakened the national aspirations of the Kashmiris. Which ult imately helped in the emergences of a composite Kashmiri culture without any emphasis on Muslim sectarianism. By 1939, every conscious member of Hindu, Muslim and Sikh community joined the national movement. The anti-feudal and anti-imperialist struggle reached another high pitch in 1946. The AJKNC launched the "Quit Kashmir" movement and submitted a memorandum to the Cabinet Mission of 1946 demanding

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absolute right to freedom from the autocratic rule of the Dogra house. The movement was to counter the threat of Muslim communalism that was spread in the wake of Pakistan movement of Muslim League. It also salvaged the tradition of secular nationalism in Kashmir. Launching this struggle for a decisive victory, Sheikh Abdullah, on 15 May 1946, reiterated at Srinagar that "the demand that the princely order should quit the state is a logical extension of the policy of "Quit India". When the freedom movement demands complete withdrawal of British power, logically enough the stooges of British imperialism should also go and restore sovereignty to its real owners, the people . . . the rulers of Indian states have always played traitors to the cause of Indian freedom. A revolution upturned the mighty Tsars and the French Revolution made short work of the ruling class of France. The time has come to tear up the treaty of Amritsar, and quit Kashmir. Sovereignty is not the birth right of Maharaja Hari Singh. Quit Kashmir is not a question of revolt. It is a matter of right". The Sheikh was arrested on the charge of sedition against the Maharaja. Following his arrest the whole valley rose in an uprising. On 19 June 1947 Pandit Jawaharlal Nehru, Aruna Asaf Ali, Dewan Chaman Lal and Tilak Raj Chadha went to Srinagar to defend Sheikh Abdullah at his trial but were arrested by the Maharaja's administration. On his return to Delhi, Nehru complained to Gandhiji and Maulana Azad, the Congress President that people in Kashmir were grooning under the reign of terror. Mahatma Gandhi visited Kashmir in August 1947 as a guest of National Conference.

The 'Quit Kashmir' movement kept the Muslim communalism in Kashmir at bay. Immediately after independence and the creation of Pakistan Jinnah decided to wrest Kashmir by force and sent raiders for this purpose. The Maharaja of Kashmir was fled. Jawaharlal Nehru decided to send troops to rescue Kashmir on the request of the Maharaja on 24 October 1947. It was done after Kashmir had legally acceeded to India. On 26 October 1947 Sheikh Abdullah also formed a peace brigade and the peoples' militia to defeat the aggression of Pakistan in the valley of Kashmir. Sheikh Abdullah, the doyen

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of nationalism, succeeded in restorting Hindu-Muslim harmony in the valley when the rest of India was burning by communal holocast. There was a good rapport between Sheikh Abdullah, Mahatma Gandhi and Pandit Jawaharlal Nehru. Congress demanded the release of Sheikh Abdullah, and the establishment of a popular government in Jammu and Kashmir. National Conference favoured accession of India without instrument of accession.

The Pakistan reacted sharply and contested the validity of the accession. India took the Kashmir question to the Security Council of the United Nations on 1 January 1948 (S/628). Pakistan made counter complaint (S/646) but admitted that some tribesmen from Pakistan might be helping the "Azad Kashmir government". After debate the Security Council passed two resolutions (S/651 and S/654). It appointed a three-member Commission to investigate and mediate in the matter. On 13 August 1948 the UNCIP submitted a report to the Council in three parts (S/1100, S/1196, and S/1430). Part first of the report contained provisions for a cease fire. Part two dealt with a true agreement, and part third with the holding of a plebiscite after the implementation of first two parts. India agreed but Pakistan did not. Later on both countries accepted the proposal submitted by the UNCIP to the Security Council on 5 January 1949 dealing with the plebiscite. The cease fire came into effect by 1 January 1949 and a cease fire line was agreed upon in July 1949. But a truce agreement could not be finalised due to opposite stands of both the countries.

The Security Council then appointed mediators. In 1949 General McNaughton of Canada was appointed as a mediator who's proposal was rejected by India. Sir Owen Dixon of Australia also could not succeed because he proposed the partition of Kashmir between both the countries rather than a plebiscite (S/1791). Frank P. Graham of the USA was the third mediator appointed in April 1951 also met with the same fate, however, he suggested a direct negotiation between India and Pakistan. He submitted five reports (S/2375, S/2448, S/2611, S/2783 and S/2967).

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In July-August 1953 and in May 1955 the Prime Ministers of both India and Pakistan started negotiated settlement which ultimately failed. After a gap of five years the Pakistan Foreign Minister F.K. Noon raised the Kashmir issue in the UN Security Council and call upon India to refrain from accepting any change in the new constitution of Kashmir—the State of Jammu and Kashmir is and shall be an integral part of the Union of India—and to acccept a plebiscite (SCOR, 12th Yr., Mtg. 761) Mr. V.K. Krishna Menon, the Indian representative informed the Council that the conditions for holding a plebiscite changed in Kashmir. (SCOR, 12th Yr. Mtgs. 762, 793 and 794). The Security Council favoured plebiscite by adopting a resolution (S/3739) on 24 January 1957. On 21 February 1957 President Gunnar Jarring of Sweden was asked to act as mediator but India refused to accept him for the implementation of the UNCIP resolution, (S/3821).

Meanwhile, the National Conference demanded special status and autonomy for Kashmir in the political—constitutional framework of Indian political system. Article 370 of the Indian Constitution granted Kashmir a special position. It produced a hostile backlash among the Hindi-Hindu fanatics including Sardar Patel and Hindu lobby which demanded conformity of minority to Hindu majority views as well as uniformity by force. In Kashmir this Hindu lobby started non-cooperation movement against the government led by Sheikh. It was supported by the Jana Sangh, the Hindu Mahasabha, the RSS and even by the Akali Leader Master Tara Singh and Mr. S.P. Mookerjee. They criticised Nehru's appeasement policy towards Kashmir. Mr. Mookerjee called this policy as "national liability". This non-cooperation was also supported by Jayaprakash Narayan and Acharya Kripalani. This fanning of the flame of Hindu communalism—especially, in Delhi, Uttar Pradesh and Punjab—resulted in the ambivalence in Sheikh's position about accession to India. Nehru succumbed before these reactionary elements ultimately. Sheikh Abdullah now came to the conclusion that "there was no middle course between full integration and full autonomy, and as the majority

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in Kashmir would not accept the first alternative, there was no choice but to accept the second."

Finally on midnight of 8-9 August 1953, the popularly elected leader of Kashmir was dismissed and imprisoned in a most undemocratic and unceremonious fashion by violating the special provisions made in the Article 370 of the Constitution.

On 2 December 1957 Security Council passed a resolution S/3922 after considering the Jarring report and directed P. Graham to make recommendations (S/3984) to the parties for facilitating a peaceful settlement and for the implementation of the resolutions of the UNCIP of 13 August 1948 and 5 January 1949. The Graham report was rejected by India.

During Ayub Khan's regime Nehru-Ayub talks commenced in 1959 and 1960. On 6 October 1960 President Ayub Khan gave a threat of military settlement of the Kashmir Problems. Threats and counter-threats continued till Chinese aggression on India in October 1962. Besides Pakistani slogan of *Jehad* President Ayub Khan put pressure on USA to exercise its influence for the settlement of the Kashmir issue. The matter was again raised in the Security Council on 1 February 1962 by Pakistan Permanent Representative Zafrullah Khan who asked the Council to take up the consideration of the dispute and to secure to the Kashmiri people their right of self-determination (SCOR, 17 Yr. Mtg. 990). In the subsequent meetings of the Security Council (Mtgs. 1007 to 1016) Mr. Zafrullah Khan put forward his arguments in support of Pakistan's claim over Kashmir. Mr. C.S. Jha, India's permanent representative to the UN and Defence Minister Krishna Menon contested the Pakistani contentions (SCOR, Mtg. nos. 1009, 1011 and 1016) and reiterated India's claim over the state. Pakistani contention was supported by the U.S. representative and Indian position by the Soviet and Rumanian representatives. US and British representatives on 27 April 1962 tried to persuade the UN Secretary General U Thant for negotiating settlement. The issue was again raised by Mr. Plimpton, US representative, on 21 June 1962 and on 22 June 1962 when he succeeded in pursuading the Irish representative to introduce draft resolution which was vetoed out by the Soviet Union (SCOR, 17 Yr. Mtg.

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1016). Prime Minister Jawaharlal Nehru expressed deep concern over the attitude of Great Powers—the U.S.A. and the U.K. After the Chinese invasion on India both Nehru and Ayub agreed for negotiated settlement. Six round of Bhutto—Swaran Singh talks were held between 27 December 1962 to 16 May 1963. The talks failed on the question of distribution of areas.

The disturbances in Kashmir on the disappearance of the hair of prophet Mohammad from the Hazaratbal shrine on the night of 26-27 December 1963 gave opportunity to Pakistan to raise Kashmir question in the Security Council. Though the hair was recovered, Pakistan's Minister of External Affairs, Z.A. Bhutto sent a letter to the Security Council for an urgent meeting (S/5516) to debate on grave situation of the State. Mr. Bhutto asked for a "move towards an honourable and joint solution" of the problem in Security Council's meetings held between 7 February to 11 May 1964 (Mtgs. Nos. 1087, 1089, 1104, 1112 and 1114). Refuting the charges Mr. M.C. Chagla and Mr. B.N. Chakraverti described the incident as "purely a domestic matter". (Mtg. nos. 1088, 1104, 1113 and 1115). Though Mr. Roger Seydoux, President of the Council submitted his statement on 18 May 1964 but nothing tangible came out of the debate. (SCOR, Mtg. no. 1117).

The Indian government released Sheikh Abdullah on 8 April 1964 withdrawing all charges against him. He was sent to Pakistan to resolve the issue but sudden death of Nehru on 27 May 1964 dashed all hopes. Ayub-Shastri meeting on 12 October 1964 at Karachi and J.P. Narayan's visit to Pakistan brought no change in the attitude of both the countries. Meanwhile Sheikh Abdullah was again arrested on 8 May 1965 on charge of anti-India propaganda. Sino-Pak unison persuaded Pakistan to send armed infiltration into the valley from 6 August 1965. India reacted against this attack specially in the Chhamb. The war was stopped on 22 September. Tashkent Declaration, signed on 10 January 1966 restored the *status quo* in Jammu and Kashmir as it was existed before the 5 August 1965. The Pakistan Foreign Secretary Ahmed and later on 14 January 1966 President Ayub Khan declared that peace could

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not be achieved unless the dispute over Jammu and Kashmir was settled honourably and equitably. Bhutto also blamed India for creation of the problem. Talking to the British Prime Minister Harold Wilson on 23 November 1966 Pakistani President Ayub Khan said that people of Kashmir "did not like Indian rule" and added that India did not honour the commitment under the Tashkent Declaration. Not only this while speaking before the UN General Assembly meeting on 29 September 1966 Pakistan Foreign Minister, Sharifuddin Pirzada accused India for not honouring the UNCIP resolution of 13 August 1948 and 5 January 1949 about holding of a free and impartial plebiscite (GAOR, Pen. Mtg. 1423). He also tried to raise this issue in the Commonwealth Prime Minister's meeting held in London on 13 September 1966. He charged the Indian government with reluctance to allow the Kashmiri people to exercise the right of self-determination. Even Prime Minister Mrs. Indira Gandhi gave a statement in ok Sabha that "India is not obliged by the Tashkent Declaration to settle the Kashmir dispute with Pakistan". Pakistan government started anti-India propaganda. Ayub Khan described Indian army as "special danger to Pakistan". He stressed on the solution of the Kashmir problem. On 10 October 1967 Pakistani Foreign Minister Mr. S. Pirzada raised a question in the UN General Assembly meeting (GAOR, Pln. Mt. 1584) and demanded "self-determination" for the people of Kashmir, to which India was committed. Similar demands were made by Arshad Hussain, the new foreign minister of Pakistan in tbe UN General Assembly meeting (GAOR. Pl. Mtg. 1682) and Pakistan's National Affairs Minister Nawabzada Muhammad Sher Ali Khan (GAOR, Plan. Mtg. 1775) on October 2, 1969. Pakistani Home Minister Sardar Hamid accused India for avoiding discussions in the United Nations (GAOR, Pln. Mtg. 1853) on 29 September 1970. Meanwhile, Pakistani press, specially *Pakistan Times* and *Dawn* made vehement propaganda against India. "That India is suppressing freedom of the press in occupied Kashmir and adopting ruthless measures in curbing the students and youth". Kashmiris' are treated as second class citizens. Pakistan supported the terrorists in Kashmir.

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A hand grenade was thrown on the Kashmir Chief Minister, G.M. Sadiq on 16 May 1966. Terrorists confessed that they were imparted training by Pakistani officers. The subversive activities of the Pakistani infilterators continued till date. The cease-fire violations took place frequently. Both India and Pakistan accused each other for violation of cease-fire agreement. In short Kashmir remained full disturbed between 1966 and 1969.

Pakistan protested strongly against India's measures to extend the application of Indian laws to Kashmir and described these contrary to the UNCIP and other resolutions of the United Nations. These bills, according to Pakistan, would gave sweeping powers to the Indian Government to outlaw any organisation or any individual found guilty of questioning the India's sovereignty over any of the territories.

On 11 January 1968 Prime Minister Mrs. Indira Gandhi and Deputy Prime Minister, Morarji Desai desired to normalise relations with Pakistan by implementation of Tashkent Agreement but Pakistan did not respond favourably. Pakistan was insisting on "meaningful discussions on Kashmir". India's appeal to Pakistan for 'no-war pact' was turned down by Ayub Khan who described this proposal as "misleading" unless Kashmir dispute was solved. During the time Sheikh Abdullah and Mirza Afzal Beg were released from Jail on 3 January 1968. They demanded self determination for the Kashmiris. The hostile and anti-India attitude of Sheikh Abdullah put India in embrassing situation.

General A.M. Yahya Khan who assumed the charge from President Ayub Khan on 25 March 1969 showed his willigness for sometime to establish a peaceful atmosphere between the two countries. Mrs. Indira Gandhi sent a personal letter to Mr. Khan on 22 June 1969 and suggested to revive the no-war pact proposal and a joint machinery to examine comprehensively all aspects of normalisation of relations. General Yahya Khan accepted the proposal with provision that the machinery of Indo-Pakistani body should discuss all issues including Kashmir and Farakka barrage. But after the exchange of letters between the two governments, no follow-up actions

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could be taken up by either of the governments. Instead President Yahya Khan banned all the exchange of printed materials between India and Pakistan, commercial, economic and cultural relations were completely cut off. Tashkent agreement, though Mrs. Indira Gandhi wanted to implement, went unsung and unheard. On 28 July 1970 President Yahya Khan again asked for amicable solution for Kashmir problem to establish cordial relations between both the countries.

Mr. Z.A. Bhutto advocated for quasi-military approach for the solution. Ashohar Khan recommended Algeria type struggle for Kashmir liberation. General Yahya Khan raised Kashmir's issue in UN General Assembly in October 1970 and demanded 'self determination' and withdrawal of forces of the two countries. India rejected the proposal and told that the State's accession to India in 1949 was complete. However, India favoured bilateral talks under Tashkent spirit. Mr. Z.A. Bhutto exploited the situation by raising war bogy against India. He formed Pakistan People's Party on 1 December 1967. December 1970 polls in Pakistan brought conflict between East and West Pakistan, ultimately resulted into the creation of Bangladesh. India-Pakistan relations were further deteriorated when on 30 January 1971 an Indian Airlines plane was hijacked to Lahore with Pakistani connivance and was allowed to be blown up at the Lahore airport. Hijackers were granted asylum and were given hero's welcome there. India banned all Pak flights over the Indian territory. After India-Pakistan war of 1971 both Mrs. Indira Gandhi and Mr. Z.A. Bhutto on 2 July 1972 concluded an agreement at Simla. It was promised to respect line of control resulting from the cease-fire of December 17, 1971 in Jammu and Kashmir. They also decided to settle the Kashmir issue by mutual talks. President Zia-ul-Hag, Prime Minister Benazir Bhutto, Rajiv Gandhi, V.P. Singh and Sheikh Abdullah came and went but the Kashmir remained unsolved.

Documents on Kashmir Problem is an excellent attempt of authentic and comprehensive compilation of published documents and other literature on the subject—Kashmir dispute. It presents the text of important documents including publications

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of the Government of India and Pakistan, United Nations official documents, treatments, treaties, agreements, proposals, debates—both in UN Security Council, General Assembly and Parliamentary debates—reports and recommendations, letters, telegrammes etc. The publication would help the research scholars, academicians, educationists, politicians as well as curious laymen in understanding the issue. Compilers have made an honest attempt to be objective and impartial in compiling, editing, and presenting the documents to prove their authenticity, the sources of documents are also added.

We express our deep sense of indebtedness to the library staff of Indian Council of World Affairs Library, New Delhi, Nehru Memorial Museum Library, New Delhi, United Nations Information Centre, New Delhi, Jawahar Lal Nehru University Library, New Delhi, and Ministry of External Affairs Library, New Delhi for the help rendered to us during our visits there.

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Documents on Kashmir Problem

1. Treaty between the British Government and the State of Lahore, Concluded at Lahore on March 9, 1846

Whereas the treaty of amity and concord, which was concluded between the British Government and the late Maharaja Ranjit Singh, the ruler of Lahore in 1809, was broken by the unprovoked aggression on the British provinces of the Sikh Army, in December last: And whereas, on that occasion, by the proclamation dated the 13th of December, the territories then in the occupation of the Maharaja of Lahore, on the left or British bank of the river Sutlej, were confiscated and annexed to the British provinces; and since that time, hostile operations have been prosecuted by the two Governments, the one against the other, which have resulted in the occupation of Lahore by the British troops: And whereas it has been determined that upon certain conditions, peace shall be re-established between the two Governments, the following treaty of peace between the Honourable English East India Company, and Maharaja Dalip Singh Bahadur, and his childern, heirs, and successors, has been concluded, on the part of the Honourable Company, by Frederick Currie, Esq; and Brevet-Major Henry Montgomery Lawrence, by virtue of full powers to that effect vested in them by the Right Honourable Sir Henry Hardinge, G.C.B., one of Her Brittanic Majesty's most Honourable Privy Council, Governor-General appointed by the Honourable Company to direct and control all their affairs in the East-Indies, and on the part of his Highness the Maharaja, Dalip Singh, by Bhai Ram Singh, Raja Lal Singh, Sardar Tej Singh, Sardar Chattar Singh Attariwala, Sardar Ranjor Singh Majithia, Diwan Dina Nath, and Fakir Nur-ud-din vested with full powers and authority on the part of his Highness.

Article I. There shall be perpetual peace and friendship

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between the British Government, on the one part, and Maharaja Dalip Singh, his heirs and successors on the other.

Article 2. The Maharaja of Lahore renounces for himself, his heirs and successors all claim to or connection with, the territories lying to the South of the river Sutlej, and engages never to have any concern with those territories or the inhabitants thereof.

Article 3. The Maharaja cedes to the Honourable company in perpetual sovereignty, all his forts, territories, and rights in the Doab and country, hill and plain, situate between the rivers Beas and Sutlej.

Article 4. The British Government having demanded from the Lahore State, an indemnification for the expenses of the war, in addition to the cession of territory described in Article 3, payment of a one and a half crores of rupees; and the Lahore Government being unable to pay the whole of this sum at this time, or to give security satisfactory to the British Government for its eventual payment; tbe Maharaja cedes to the Honourable Company, in perpetual sovereignty, as equivalent for one crore of rupees all his forts, territories, rights, and interests in the hill countries which are situate between the rivers Beas and Indus, including the Provinces of Kashmir and Hazara.

Article 5. The Maharaja will pay to the British Government the sum of fifty lacs of rupees, on or before the ratification of this treaty.

Article 6. The Maharaja engages to disband the mutinous troops of the Lahore army, taking from them their arms; and his Highness agrees to reorganize the regular, or Ain, regiments of infantry, upon the system, and according to the regulations as to pay and allowances, observed in the time of the late Mahraja Ranjit Singh. The Maharaja further engages to pay up all arrears to the soldiers that are discharged under the provisions of this article.

Article 7. The regular army of Lahore State shall hence-forth be limited to 25 battalions of infantry, consisting of 800 bayonets each with 12,000 cavalry: this number at no time to be

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exceeded without the concurrence of the British Government. Should it be necessary at any time for any special cause, that this force should be increased, the cause shall be fully explained to the British Government; and when the special necessity shall have passed, the regular troops shall be again reduced to the standard specified in the former clause of this article.

Article 8. The Maharaja will surrender to the British Government all the guns, thirty-six in number, which have been pointed against the British troops, and which having been placed on right bank of the river Sutlej, were not captured at the Battle of Sobraon.

Article 9. The control of the rivers Beas and Sutlej, with the continuation of the latter river, commonly called the Ghara and Panjnad, to the confluence of the Indus from Mithankot, and the control of the Indus from Mithankot to the borders of Baluchistan, shall, in respect to tolls and ferries, rest with the British Government. The provisions of this article shall not interfere with the passage of boats belonging to the Lahore Government on the said rivers, for the purpose of traffic or the conveyance of passengers up and down their course. Regarding the ferries between the countries respectively, at the several ghats of the said rivers, it is agreed that the British Government after defrayng all the expenses of management and establishments, shall account to the Lahore Government for one half of the net profits of the ferry collections. The provisions of this article have no reference to the ferries on that part of the river Sutlej which forms the boundary of Bahawalpur and Lahore respectively.

Article 10. If the British Government should, at any time, desire to pass troops through the territories of his Higness the Maharaja, for the protection of the British territories, or those of their allies, the British troops shall, on such special occasions, due notice being given, be allowed to pass through the Lahore territories. In such case the officers of the Lahore State will afford facilities in providing supplies and boats for the passage of rivers; and the British Government will pay the full price of all such provisions and boats, and will make fair compensation for

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all private property that may be endamaged. The British Government will, moreover, observe all due consideration to the religious feelings of the inhabitants of those tracts through which the army may pass.

Article 11. The Maharaja engages never to take, or retain in his service, any British subject, nor the subject of any European or American State, without the consent of the British Government.

Article 12. In consideration of the services rendered by Raja Gulab Singh of Jammu to the Lahore State, towards procuring the restoration of relations of amity between the Lahore and British Governments, the Maharaja hereby agrees to recognize the independent sovereignty of Raja Gulab Singh, in such territories and districts in the hills as may be made over to the said Raja Gulab Singh by separate agreement between himself and the British Government, with the dependencies thereof, which may have been in the Raja's possession since the time of the late Maharaja Kharak Singh: and the British Government in consideration of the good conduct of Raja Gulab Singh, also agrees to recognize his independence in such territories, and to admit him to the privileges of a separate treaty with the British Government.

Article 13. In the event of any dispute or difference arising between the Lahore State and Raja Gulab Singh, the same shall be referred to the arbitration of the British Government; and by its decision the Maharaja engages to abide.

Article 14: The limits of the Lahore territories shall not be, at any time, changed without the concurrance of the British Government.

Article 15. The British Government will not exercise any interference in the internal administration of the Lahore State; but in all cases or questions which may be referred to the British Government, the Governor-General will give the aid of his advice and good offices for the furtherance of the interests of the Lahore Government.

Article 16. The subjects of either State shall, on visiting the

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territories of the other, be on the footing of the subjects of the most favoured nation.

This treaty consisting of sixteen articles has been this day settled by Frederick Currie, Esq; and Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G.C.B. Governor-General, on the part of the British Government, and by Bhai Ram Singh, Raja Lal Singh, Sardar Tej Singh, Sardar Chattar Singh Attariwala, Sardar Ranjor Singh Majithia, Diwan Dina Nath and Fakir Nur-ud-din, on the part of Maharaja Dalip Singh; and the said treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B. Governor-General, and by that of his Highness Maharaja Dalip Singh.

Done at Lahore this 9th day of March in the year of our Lord 1846 corresponding with the 10th day of Rabi-ul-awal 1262 Hijri and ratified the same day. (*Lakhan Pal*)

2. *Treaty between the British Government and Maharaja Gulab Singh Concluded at Amritsar, on 16th March 1846*

Treaty between the British Government on the one part, and Maharaja Gulab Singh of Jammu on the other, concluded on the part of the British Government by Frederick Currie, Esq; and Brevet-Major Henry Montgomery Lawrence, acting under the orders of the Right Honourable Sir Henry Hardinge, G.C.B., one of Her Brittanic Majesty's most Honourable Privy Council, Governor-General, appointed by the Honourable Company to direct and control all their affairs in East Indies, and by Maharaja Gulab Singh in person.

Article 1. The British Government transfers and makes over for ever, in independent possession, to Maharaja Gulab Singh and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus, and westward of the river Ravi, including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State, according to the provisions of Article 4 of the Treaty of Lahore, dated 9th March 1846.

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Article 2. The eastern boundary of the tract transferred by the foregoing article to Maharaja Gulab Singh shall be laid down by commissioners appointed by the British Government and Maharaja Gulab Singh respectively for the purpose, and shall be defined in a separate engagement after survey.

Article 3. In consideration of the transfer made to him and his heirs by the provisions of the foregoing articles, Maharaja Gulab Singh will pay to the British Government the sum of seventy five lacs of rupees (Nanak Shahi) fifty lacs to be paid on the ratification of this treaty and twenty five lacs on or before the 1st of October of the current year A.D. 1846.

Article 4. The limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without the concurrence of the British Government.

Article 5. Maharaja Gulab Singh will refer to the arbitration of the British Government any disputes or questions that may arise between himsef and the Government of Lahore or any other neighbouring State, and will abide by the decision of British Government.

Article 6. Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his military force, the British troops, when employed within the hills or in the territories adjoining his possessions.

Article 7. Maharaja Gulab Singh engages never to take or retain, in his service any British Subject, nor the subject of any European or American State, without the consent of the British Government.

Article 8. Maharaja Gulab Singh engages to respect, in regard to the territory transferred to him, the provisions of article 5, 6, and 7 of the separate engagement between the British Government and the Lahore Durbar dated 11th March 1846.

Article 9. The British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies.

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Article 10. Maharaja Gulab Singh acknowledges the supermacy of the British Government and will, in token of such supermacy, present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female) and three pairs of Kashmir shawls.

This treaty consisting of ten articles has been this day settled by Frederick Currie, Esq; and Brevet-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge, G C.B., Governor-General, on the part of the British Government, and by Maharaja Gulab Singh in person and the said treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G.C.B. Governor-General.

Done at Amritsar, this 16th day of March in the year of our Lord 1846 corresponding with 17th day of Rabi-ul-awal 1262 Hijri. (*Lakhan Pal*)

3. *Articles 5, 6, and 7 of Supplementary Articles of March 11, 1846, to the First Treaty of Lahore, Referred to in Article 8 of the Treaty of Amritsar*

Article 5. The British Government agrees to respect the bonafide rights of those jagirdars within the territories ceded by Articles 3 and 4 of the Treaty of Lahore dated 9th instant, who were attached to the families of the late Maharaja Ranjit Singh, Kharak Singh and Sher Singh; and the British Government will maintain those jagirdars in their bonafide possession during their lives.

Article 6. The Lahore Government shall receive the assistance of the British local authorities in recovering the arrears of revenue justly due to the Lahore Government from their Kardars and managers in the territories ceded by the provisions of Articles 3 and 4 of the treaty of Lahore, to the close of the Kharif harvest of the current year *viz.*, 1902 of the Sambat Bikramajit.

Article 7. The Lahore Government shall be at liberty to remove from the forts in the territories specified in the foregoing article, all treasure and state property with the exception of

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guns: Should, however, the British Government desire to retain any part of the same property, they shall be at liberty to do so; paying for the same at a fair valuation; and the British officers shall give their assistance to the Lahore Government, in disposing on the spot of such part of the aforesaid property as the Lahore Government may not desire to retain.

(*Lakhan Pal*)

4. *Telegram from Prime Minister, Kashmir State, to Sardar Abdur Rab Nishtar, States Relations Department, Karachi, Dated 12-8-1947*

"Jammu and Kashmir Government would welcome Standstill Agreements with Pakistan on all matters on which these exist at present moment with outgoing British India Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreement."

5. *Telegram from Foreign Secretary, Government, of Pakistan, Karachi, to Prime Minister of Jammu and Kashmir, Srinagar, Dated 15-8-1947*

"Your telegram of the 12th. The Government of Pakistan agree to have a Standstill Agreement with the Government of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements."

6. *Telegrams exchanged bewteen India and Kashmir*

From Kashmir: "Jammu and Kashmir Government would welcome Standstill Agreements with Union of India on all matters on which these exist at the present moment with outgoing British Indian Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreements."

Reply from India: "Government of India would be glad if you or some other Minister duly authorised in this behalf could

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fly to Delhi for negotiating Standstill Agreement between Kashmir Government and Indian Dominion. Early action desirable to maintain intact existing agreements and adminstrative arrangements."

7. *Telegram dated October 12, 1947, from Foreign Secretary to the Government of Pakistan to the Prime Minister of Kashmir*

"Men of Pakistan Army who have recently returned from leave at their homes in Poonch report that armed bands, which include troops, are attacking Muslim villages in the State. Their stories are confirmed by the large number of villages that can be seen burning from Murree hills. The Pakistan Government are vitally interested in the maintenance of peace on their borders, and the welfare of Muslims in the adjoining territories, and on those grounds alone would be justified in asking for an assurance that steps be taken to restore order in Poonch. One feature of the present situation in Poonch which, however, makes it peculiarly dangerous to the friendly relations which the Pakistan Government wishes to retain with Kashmir, is that the Pakistan Army obtains a large number of recruits from Poonch. Feeling in the battalions to which these men belong is rapidly rising and the situation is fraught with danger. The Pakistan Government wishes to avoid such a situation as they are sure do the Government of Kashmir, but if it is to be avoided, immediate and effective steps must be taken to end the present state of affairs, and in particular, if it is true that State troops are taking part in the attack on Muslims, to ensure the restoration of their discipline. The Government of Pakistan would like to be informed of the action taken."

8. *Reply of the Prime Minister of Kashmir dated October 15, 1947 to the Government of Pakistan*

"This Government has ample proof of infiltration. As is the result in every Government, including Pakistan Dominion, Military has to take action when disturbances caused cannot adequately be dealt with by Civil Administration. If this action

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hurts anyone's feelings, Government hopes you will agree that it is for them to help in the task of restoration of peace. Government is prepared to have an impartial inquiry made into the whole affair with a view to remove misunderstanding and to restore cordial relations which this Government has strictly kept in view so far even in spite of provocations by the people across the border and has maintained it in its true spirits. If, unfortunately this request is not heeded Government, much against its wishes, will have no option but to ask for assistance to withstand aggressive and unfriendly actions of the Pakistan people along our border."

9. Telegram dated October 18, 1947 from the Prime Minister of Kashmir to the Governor-General of Pakistan

"Ever since August fifteenth in spite of agreement to observe Standstill Agreement on matters on which agreement existed on August 14 with British India, increasing difficulties have been felt not only with regard to supplies from West Punjab of petrol, oils, food, salt, sugar and cloth but also in the working of the postal system which has been most detrimental to the people as well as the administration. Saving Bank accounts refused to be operated. Postal certificates not cashed. Cheques by branches here of West Punjab Banks not honoured. Even Imperial Bank branches put hard to meet obligations owing failure of remittances from Lahore Currency Officer. Motor vehicles registered in the State have been held at Rawalpindi. Railway traffic from Sialkot to Jammu has been discontinued. While the State has offered safe passage to about one lakh Muslim refugees from Pathankot to Sialkot, the Rawalpindi people have murdered and wounded in cold blood over 180 out of a party of 220 Kashmir nationals being conveyed to Kohala at State request. People armed with modern long-range fire arms have infiltrated in thousands in Poonch and committed horrors on non-Muslims, murdering, maiming and looting them and burning their houses as well as kidnapping women. Instead cooperation asked for through every possible local as well as provincial authorities and Central authority, paper promises have been made, actually followed by more rigorous action

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than before. Press and Radio of Pakistan appear actually to have been licensed to pour volumes of fallacious, libellous and false propaganda. Smaller feudatory States have been prompted to threat even armed interference into the State. Even private people in Pakistan are allowed to wire unbearable threats without any checks by the Pakistan Dominion post offices. To crown all, the State is being blamed for acts which actually are being committed by Pakistan people. Villages are being raided from Sialkot and in addition to actual infiltration in Poonch. The Government cannot but conclude that all is being done with the knowledge and connivance of local authorities. The Government also trusts that it would be admitted that these acts are extremely unfriendly if not actually bordering on inimical. Finally the Government wish to make it plain that it is not possible to tolerate this attitude longer wiihout grave consequences to the life, property of people which it is sacredly bound to defend at all costs. The Government even now hopes that you would personally look into the matter and put a stop to all the iniquities which are being perpetrated. If, unfortunately, this request is not heeded the Government fully hope that you would agree that it would be justified in asking for friendly assistance and oppose trespass on its fundamental rights" (copy telegraphed to Pakistan Prime Minister also).

10. Telegram dated October 20, 1947 from the Governor-General, Pakistan, to the Maharaja of Jammu and Kashmir

"I have received telegram of the 18th October from your Prime Minister regarding the situation in Kashmir which, I regret, was released to the Press before it reached me and before I could deal with it. My Government have already been in communication with your Government and I deplore that your Prime Minister should have restored to the tone and language adopted in his telegram to me which embodies a threat to seek outside assistance and is almost in the nature of an ultimatum. This is hardly the way for any responsible and friendly Government to handle the situation that has arisen.

2. On 15th October your Prime Minister sent a telegram to

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my Government making similar allegations in the same offensive manner as have been repeated in his telegram of 18th October now addressed to me without waiting for the reply for his earlier telegram from my Government. My Government have already replied to that telegram on the 18th October and this reply shows clearly that your Government's wholly one-sided and exparte allegations cannot be supported. Since your Government have released to the Press the telegram addressed to me under reply, my Government have no other course left open and have, therefore, decided to release to the Press their reply referred to above refuting your allegations.

3. The allegation in the telegram under reply that the Standstill Agreement has not been observed is entirely wrong. The difficulties that have been felt by your administration have arisen as a result of the widespread disturbances in East Punjab and the disruption of communications caused thereby particularly by the shortage of coal. These difficulties have been felt actually by the West Punjab Government themselves. The difficulties with regard to banking facilities were caused by the lack of staff in the various banks and cannot be laid at the door of the West Punjab Government, who have in fact tried their best to ensure protection to the banks. The failure of remittances from Lahore Currency Officer has nothing to do with the Pakistan Government since the Lahore Currency Officer is under the Reserve Bank of India. Your Government's complaints regarding Press reports and telegrams by private persons are also wide off the mark. Your Government do not realize that there is no censorship in West Punjab. The complaint about local and provincial authorities is thus wholly unfounded. It is a travesty of the truth to call the promises of the Central Government paper promises, as your Government alleges. My Government adhere to those assurances and have every intention of carrying out the Standstill Agreement.

4. In order to remove various difficulties relating to communications and supply of goods my Government suggested long ago that representatives of the Governments of Pakistan and Kashmir should meet. That reguest was ignored. In the circumstances I am, reluctantly, forced to the conclusion that

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the unfounded allegations and accusations are only a smoke-screen to cover the real aim of your Government's policy. A recent instance of this policy is the differential treatment accorded to leaders of the Kashmir National Conference and the Muslim Conference. On the one hand, your Government has released Sheikh Abdullah who was tried and convicted of high treason, removed the ban on his colleagues and allowed the National Conference a free field in which to carry on their propaganda. On the other hand, Mr. Ghulam Abbas and his colleagues whose alleged offence was only that they disobeyed the order banning the meeting of the Muslim Conference are still rotting in jail and the Muslim Conference organization is not allowed its elementary right of civil liberties. The course which your Government is pursuing in suppressing the Mussalmans in every way, the atrocites which are being committed by your troops and which are driving Muslims out of the State, various indications given in the Press, particularly the release to the Press of your Prime Minister's telegram addressed to me containing unfounded allegations and the threat to enlist outside assistance, show clearly that the real aim of your Government's policy is to seek an opportunity to join the Indian Dominion through a *coup d'etat* by securing the intervention and assistance of that Dominion. This policy is naturally creating deep resentment and grave apprehension among your subjects 85 per cent of whom are Muslims.

5. The proposal made by my Government for a meeting with your accredited representatives is now an urgent necessity. I suggest that the way to smooth out difficulties and adjust matters in a friendly way is for your Prime Minister to come to Karachi and discuss the developments that have taken place instead of carrying on acrimonious and bitter controversy by telegrams and correspondence. I would also repeat that I endorse the suggestion made in your Prime Minister's telegram of 15th October and accepted by my Government in their reply of 18th October to have an impartial inquiry made into the whole affair."

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11. Text of letter dated October 26, 1947 from Sir Hari Singh, the Maharaja of Jammu and Kashmir, to Lord Moun botten, the Governor-General of India

"My dear Lord Mount batten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government that Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infilter into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting.

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The Mahora power-house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let losse on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Governnment, as first step to over-running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Rood and fully armed with up-to-date weapons cannot possibly be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslims and non-Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country.

I am also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

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"In haste and with kindest regards,

The Palace, Jammu — Your sincerely,

26th October, 1947. — *Hari Singh*

12. Text of Lord Mountbatten's reply dated October 27, 1947 to the Kashmir Ruler signifying his Acceptance of the Instrument of Accession

"My dear Maharaja Sadib,

Your Highness' letter dated 26th October has been delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by your Highness my Government have decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their Policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of State, it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the State's accession should be settled by a reference to the people.

Meanwhile in response to your Highness' appeal for military aid action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister.

"With kind regards,

I remain,

New Delhi — Your sincerely,

October 27, 1947 — Mountbatten of Burma

Instrument of Accession of Jammu and Kashmir State

Where as the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as India, and that the Government of India Act, 1935, shall, with such omissions, additions,

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adaptations and modifications as the Governer-General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

Now, therefore, I Shriman Inder Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu Kashmir Naresh Tatha Tibbet adi Deshadhipathi Ruler of Jammu and Kashmir State in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Acession and.

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so for as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler

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of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by my by Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or, if the land belongs to me, transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future Constitution.

8. Nothing in this Instrument effects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as incldng a reference to my heirs and successors.

Given under my hand this 26th day of October nineteen hundred and forty-seven.

Hari Singh,
Maharajadhiraj of Jammu and Kashmir State.

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Acceptance of Instrument of Accession of Jammu and Kashmir State by the Governor-General of India

I do hereby accept this Instrument of Accession.

Dated this twenty-seventh day of October, nineteen hundred and forty-seven.

Mountbatten of Burma
Governor-General of India.

*13. Text of Telegram dated October 26, 1947 from Jawaharlal Nehru to the British Prime Minister, Clement Attlee**

"For Prime Minister United Kingdom from Prime Minister India.

A grave situation has developed in the State of Kashmir. Large numbers of Afridis and other tribesmen from Frontier have invaded State territory, occupied several towns and massacred large numbers of non-Musilms. According to our information tribesmen have been equipped with motor transport and also with automatic weapons and have passed through Pakistan territory. Latest news is that the invaders are proceeding up the Jhelum valley road towards the valley of Kashmir.

2. We have received urgent appeal for assistance from Kashmir Government. We would be disposed to give favourable consideration to such request from any friendly State. Kashmir's Northern frontiers, as you are aware, run in common with those of three countries, Afghanistan, the Union of Soviet Socialist Republics and China. Security of Kashmir, which must depend upon control of internal tranquillity and existence of stable Government, is vital to security of India especially since part of Southern boundary of Kashmir and India are common. Helping Kashmir, therefore, is an obligation of national interest to India. We are giving urgent consideration to question as to what assistance we can give to State to defend itself.

3. I should like to make it clear that question of aiding Kashmir in this emergency is not designed in any way to

*Copy also cabled to Pakistan Prime Minister.

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influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with wishes of people and we adhere to this view. It is quite clear, however, that no free expression of will of people of Kashmir is possible if external aggression succeeds in imperilling integrity of its territory.

4. I have thought it desirable to inform you of situation because of its threat of international complications. Ends."

14. Text of Attlee's Message to the Pakistan Prime Minister, Communicated by the High Commissioner for the United Kingdom in Karachi in a Memorandum dated October 27, 1947

"I have received message from Prime Minister of India stating that grave situation has developed in Kashmir. That tribesmen equipped with motor transport and automatic weapons entered Kashmir territory through Pakistan. That they have occupied several towns and have killed large numbers of non-Muslims, and that they are advancing on Srinagar. Mr. Nehru says that Government of India have received urgent appeal for assistance from Kashmir Government and that they are considering this appeal. He adds that he would like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India.

I have sent Mr. Nehru a reply saying that we have received no confirmed reports of the scale and importance of any incursions there may have been and begging him not to let his answer to this appeal take the form of armed intervention by the forces of India. I would also appeal to you to do everything possible to prevent armed intervention in Kashmir by Muslims from Pakistan, or by tribesmen seeking to pass through Pakistan-administered territory on their way to Kashmir. I hope that it will be possible for you to use your influence with any such who have already entered Kashmir to return home. I am informing Mr. Nehru that I am making this appeal to you.

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I also suggest for your consideration, as I am suggesting to Mr. Nehru, that it might be most useful step towards settlement of difficult question of Kashmir's future if it could be discussed by you, Mr. Nehru, and Maharaja of Kashmir at a meeting to be held as soon as possible at some suitable place. Ends."

15. Text of Telegram dated October 28, 1947 from Nehru to Liaquat Ali Khan

"For Mr. Liaquat Ali Khan from Jawaharlal Nehru.

I have communicated to you text of telegram I sent to Prime Minister, United Kingdom, regarding Kashmir situation. I have also sent you text of correspondence between Governor-General, India, and Maharaja of Kashmir regarding accession of Kashmir State to Indian Union. I have sent a further message to Prime Minister, U.K., informing him of imminent peril of Srinagar and Kashmir from raiders and of action we have taken to give protection to people there. I want to invite your Government's cooperation in stopping the raiders entering Kashmir territory from Pakistan. These raids have already resulted in large-scale death and destruction and if they are not stopped immediately will lead to ruin of Kashmir. The consequences of success of such irresponsible raiders anywhere will be far-reaching all over India. Therefore, in interest of both Pakistan and India, such raids must be stopped. As raiders come across Pakistan territory it should be possible to stop them there. I wish to assure you that action Government of India has taken has been forced upon them by circumstances and imminent and grave danger to Srinagar. They have no desire to intervene in affairs of Kashmir State after raiders have been driven away and law and order established. In regard to accession also it has been made clear that this is subject to reference to people of State and their decision. Government of India have no desire to impose any decision and will abide by people's wishes, but those cannot be ascertained till peace and law and order prevail. Protection of Kashmir from armed raids thus becomes first objective and in this we trust we shall have your cooperation."

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16. Text of Telegram dated October 29, 1947 Sent by the Pakistan Prime Minister to the British Prime Minister

"I thank you for your message communicated by your High Commissioner in Karachi. The position here is that on early morning of 27th *i.e.* the day after Mr. Nehru telegraphed to you, the India Government sent troops to Kashmir. This is culmination of a series of events which was briefly as follows:

> On October 2nd, and in reply to a remonstrance from Kashmir that Pakisthan was not abiding by the Standstill Agreement regarding supply to them by Pakistan of essential commodities, I wired to Prime Minister explaining that failure of these commodities to reach Kashmir was due to dislocation of the communications due to disturbances and assuring him that we would do everything to ensure that Kashmir received its supplies. I also said that we were seriously concerned with the stories that armed Sikhs were infiltrating into Kashmir State and again pressed on him the necessity for representatives of Pakistan and Kashmir jointly to consider questions of supplies to the State and other questions. I received a reply to the effect that as Kashmir Government were dealing with disturbances caused by armed men infiltrating from Pakistan into Kashmir they were so busy that they could not discuss matters in dispute between us but they would do when things settled down. Nevertheless, we sent Shah, Joint Secretary of Ministry of Foreign Affairs, to Srinagar to decide things with Kashmir. The Prime Minister, however, refused to have any discussions with him and he had to leave. I also wired denying that armed men were allowed to infiltrate into Kashmir.

Then I telegraphically drew the attention of Kashmir Prime Minister to State of affairs in Poonch and on border of Sialkot District where Muslims were being massacred by State troops. In his reply, dated October 15th, after denying these accusations the Prime Minister proposed that an impartial enquiry be made into whole affair in order to 'remove misunderstandings and restore cordial relations' and said that if this proposal were not

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accepted he had no option but to ask for assistance to withstand the aggressiveness of people on his border. He attributed the raid of which he complained and failure to supply commodities as steps to coerce Kashmir into acceding to Pakistan. I replied on October 18th again denying accusations of raid from Pakistan and pointing a case in which Kashmir troops attacked a village in Pakistan and in an encounter with police killed a Head Constable. I said I was apprehensive that tactics followed in East Punjab of massacring Muslims and then driving them out were to be followed in Kashmir. I protested against threat to call in assistance from outside the only object of which could be to suppress Muslims and to enable Kashmir to accede to India by a *coup d'etat*. In conclusion I agreed to his proposal for an impartial enquiry and asked him to nominate his representative when we would immediately nominate ours.

On October 18th Prime Minister of Kashmir telegraphed me repeating the charges of failure to send supplies according to Standstill Agreement and of allowing armed men to infiltrate into the State. He also complained of articles in Pakistan newspapers and telegrams from private individuals. He drew the conclusion that Pakistan's attitude was unfriendly, even 'inimical' and ended by saying that unless things improved he would be justified 'in asking for friendly assistance to prevent trespass on fundamental rights of State.'

This telegram was also repeated to Governor-General and published in Press. On October 20th the Governor-General telegraphed to the Maharaja, summarising the telegrams between the two Governments and pointing out that threat to call in outside help amounted almost to an ultimatum and showed that real aim of Kashmir Government's policy 'is to seek an opportunity to join Indian Union through a *coup d'etat*". He endorsed Kashmir Government's proposal for an enquiry made in their telegram of October 15th and accepted by Pakistan in their telegram of October 18th and said that impartial inquiry as also the proposal of Pakistan Government for a meeting between representatives of two States was an urgent necessity. Finally he invited Maharaja to send his Prime

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Minister to Karachi to discuss recent developments in a friendly way. No answer was received to this telegram.

There is no doubt that State troops first attacked Muslims of Poonch. Women and children took refuge in Pakistan and burning villages could be seen from our border. There is no doubt that later they set out to massacre Muslims of Jammu. The Brigadier-in-Command of Jammu-Sailkot border admitted to our Brigadier that his orders were to drive out Muslims from a three-mile wide belt and that he was doing this with automatic weapons and mortars. There is no doubt that armed mobs headed by State troops invaded Pakistan on several occasions. After one of these raids 1,760 dead bodies of Muslims were counted near one of our villages. There are now about one lakh of Muslim refugees from Jammu in West Punjab.

The refusal of Kashmir to send a representative to discuss things and to nominate a representative for an impartial enquiry and their failure to reply to Governor-General's invitation to Prime Minister to come, and their deliberate causing of disturbances in their State by employing their troops to attack Muslims; and the fact that by 9 a.m. on moring of day on which Kashmir's accession was accepted Indian air-borne troops had landed in Srinagar clearly show the existence of a plan for accession against the will of people possible only by occupation of country by Indian troops. This plan is clear from the start.

Kashmir's action cannot be based on action of Pathans who infiltrated into Kashmir as they are not reported to have done so till October 22nd and correspondence with State ceased on October 20th. All that could be done short of use of troops which would have violently disturbed Frontier was done to prevent their going to Kashmir.

In these circumstances Government of Pakistan cannot recognise accession of Kashmir to Indian Union achieved as it has been by fraud and violence.

I welcome your proposal that I, the Prime Minister of India and Maharaja of Kashmir should meet to discuss matters. A meeting for this purpose is being held in Lahore tomorrow attended by Governors-General and Prime Ministers of

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Pakistan and India and I hope by Maharaja and his Prime Minister. I hope we will reach a satisfactory conclusion.

17. Text of Telegram from the Pakistan Prime Minister to the Indian Prime Minister dated October 30, 1947

"For Pandit Nehru from Liaquat Ali Khan.

I have received your telegrams including that of October 28th to which I reply. The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were prevented from entering West Punjab to take revenge on Hindus and Sikhs there. Later when Muslims in Poonch were attacked and those in Jammu massacred by mobs led by Kashmir State forces and when it was evident that there was to be a repetition in Kashmir of what happened in East Punjab it became impossible wholly to prevent tribes from entering that State without using troops who would have created a situation on the Frontier that might well have got out of control.

Your recent action of sending troops to Kashmir on pretext of accession has made things infinitely worse. The whole of the Frontier is stirring and feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu till State troops started killing Muslims. All along Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussions. On October 2nd I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of border raids. The Prime Minister of Kashmir replied he was too busy. When inspite of this we sent Shah, joint Secretary of Ministry of Foreign Affairs and States, to Kashmir the Prime Minister refused to discuss with him. On October 15th the Prime Minister of Kashmir threatened that unless we agreed to an impartial inquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial inquiry.

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Since then no more has been heard from Kashmir of this proposal.

The Pathan raid on Kashmir did not start till October 22nd. It is quite clear, therefore, Kashmir's plan of asking for Indian troops—and it could hardly have been unilateral—was formed quite independently of this raid and all evidence and action taken shows it was pre-arranged. It would seem rather to have been made after failure of their troops to suppress people of Poonch and in anticipation of reaction which they expected to their massacre of Muslims in Jammu.

I, in my turn, appeal to you to stop the Jammu killings which still continue. Yesterday West Punjab was again invaded by a well armed mob who after a fight with villagers retreated leaving two Gurkha solidiers in uniform dead behind them. As long as this sort of thing continues, passions are bound to become further inflamed."

18. Text of Telegram from the Pakistan Prime Minister to the British Prime Minister sent on October 30, 1947

"Please refer our telegram of yesterday conveying that a meeting attended by Governors-General and Prime Ministers of Pakistan and India was to be held today at Lahore to discuss Kashmir issue. This meeting could not be held owing to unfortunate illness of Mr. Nehru. It is hoped we will be able to hold it on Saturday.

In the meantime resentment among the tribes of North-West Frontier is rapidly growing and a very dangerous situation indeed may arise. To attempt to stop the tribes going to Kashmir now would involve us in a major Frontier war. I have wired to Mr. Nehru to this effect pointing out that tribal movement began as the result of attacks on Poonch Muslims and massacre of Jammu Muslims by the State troops and that the present situation is due to India's action in sending troops to Kashmir. The killing of Muslims in Jammu and raids by State troops into Pakistan continue. The situation here and in N.W.F.P. is extremely critical."

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19. Text of Telegram dated October 31, 1947 from the Indian Prime Minister to the Prime Minister of Pakistan

"Your telegram No. 368-G. dated October 30th. I have repeatedly expressed to you my sentiments regarding the cycle of retaliation which has plunged West and East Punjab in tragedy. Both in public and private I have condemned atrocities, irrespective of community of perpetrators; Sikh, Hindu or Muslim. If Hindus and Sikhs have killed or driven out Muslims in any part of Kashmir I condemn their action without reserve. I find it impossible, however, to accept either your version of causes and course of attack on Kashmir or baseless suggestion that we have sent troops to Kashmir 'on pretext of accession'. We are perfectly willing to have all events during last 15 months investigated to find out what have been basic causes and on whom blame rests. What has happened in Kashmir stands apart and must be judged as such more specially in view of imminent danger of widespread disaster which Kashmir valley has had to face which would have the most far-reaching consequences in regard to relations between India and Pakistan.

2. The Government of India entirely agree that no raids from one territory to another should take place and they must be stopped by all means at our disposal. It is patent that they have had nothing to do even remotely with occurrences in or near Kashmir State till they sent their troops to Srinagar on October 27th. Before accession Kashmir was not our responsibility even though we were greatly interested in its future. We were not consulted by Kashmir Government about any steps they may have taken or any correspondence with you. Our knowledge of what occurred then was derived largely from statements appearing in the Press. From these statements it appears that Kashmir Government's account is matterially different from what you have given and according to them many raids have taken place from West Punjab into Jammu Province. As a matter of fact today a considerable part of Jammu Province has been occupied by raiders from West Punjab. These raiders are provided, according to reports, with

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most modern weapons including flame throwers. In these circumstances it is curious to State that aggression was from Kashmir State.

3. No impartial person could regard military operations which for some weeks have been in progress against Kashmir as other than well-organised, well-planned and the result of most careful preparation. These operations, certainly did not start on October 22nd. What started on October 22nd was raid from North-West Frontier Province. Its timing, mobility and speed are more suggestive of a concerted link between the operation which has been in progress on Kashmir's Western borders than of a sudden tribal eruption inspired by communal happenings in Punjab. In addition to this we have reliable information that regular Pakistan troops in large numbers were concentrated near the Kashmir border at Kohala as on Jammu border and that they were prepared to enter Kashmir in wake of raids.

4. You say that all along the Kashmir Government has been in close touch with us. You also say that Kashmir's plan of asking for Indian troops was formed quite independently of recent raids. Indeed you even suggest that request for Indian troops was inspired by us. I repudiate both statements of alleged fact and insinuation. Until the Pathan raid started we had no request from Kashmir State for military aid and question was never considered by us. Some weeks ago we were told by Kashmir Government that essential supplies had been stopped by Pakistan Government and we were requested to send some of these essential supplies. A requested was also made for arms which was referred, in common with requests from other States, to our States and Defence Ministries. This was sanctioned but as a matter of fact no arms were sent to them at all as this matter was not considered very urgent. It was al 11 p.m. on October 24th that an urgent and specific request was made to us for the first time for troops to be sent. We considered this on the 25th in our Defence Committee and again on 26th morning. In view of imminent peril to valley and possibility of large-scale massacres a decision was arrived at regarding accession and to send air-borne troops the next day,

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27th October. You will appreciate that it would have been easy for us to send these troops earlier if we had intended doing so and thus stop the raiders at an early stage of their career along Jhelum Valley road. Both military and other competent opinion has criticised us for being dilatory. At no time did we consider the question of sending troops to Kashmir previous to October 25th. The earlier visits of Kashmir officials were concerned with supplies and no question of giving military help arose.

5. Kashmir's accession to India was accepted by us at the request of the Maharaja's Government and the most numerously representative popular organisation in the State which is predominantly Muslim. Even then it was accepted on condition that as soon as the invader has been driven from Kashmir soil and law and order restored the people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion then. Had we desired a pretext either for Kashmir's accession or for sending our troops there we should not have waited till large areas of Kashmir and parts of Jammu province had been given to fire and sword and Srinagar itself was in peril of capture by the raiders with all its horrors.

6. I have no doubt that you realise that the raiders from the Frontier Province, or long the Murree road come from Pakistan territory and it is the easiest thing in the world to stop them at the two bridges which connect Pakistan territory to Kashmir. They were not so prevented and their equipment and arms, including artillery and automatic weapons, bear witness to every help being given to them. We are credibly informed that regular officers of the Pakistan Army are advising the raiders. Even now it should be easy for your Government to stop the passage of these raiders or their supplies to Kashmir territory completely.

7. Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are restored and leave the decision regarding the future of this State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world.

8. You lay on us the responsibility for what is happening. I

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should have thought that this could more appropriately and fairly be placed on those who have been attacking and invading. To accuse us of provocation and aggression, now all that we have done is to go to the rescue of people threatened with loss of life, property and honour, is a similar perversion of truth and reason. It gives me no pleasure to write to you in this strain. I am convinced that it Pakistan and India are to live in peace leaders on both sides must have trust in one another and act with understanding and restraint. Mutual mistrust and recrimination can only lead to consequences which would be to the advantage of neither India nor Pakistan. I have done everything possible to think and act in this spirit. It was not possible for me to refuse the request of the Kashmir Government to help them to prevent the raiding bands from committing massacres, arson and loot and ruining Kashmir. I should have thought that it was equally to your advantage to prevent this and hence my appeal to you to stop these raids at the source.

9. I have no knowledge of the raid you refer to in Jammu in your last paragraph. I am enquiring about it. We shall certainly do our utmost to stop all raids and I appeal to you to do the same. I understand, however, that there is concentration of Pakistan troops on the Jammu border."

20. *Text of Telegram dated November 4, 1947 from the Pakistan Prime Minister to the Prime Minister of the United Kingdom*

I thank you for your telegram No. 327 of October 31st and further message of same date regarding situation in Kashmir. The conference which was arranged to be held in Lahore on November 1st did not take place because suddenly on morning of November 1st Lord Mountbatten telephonically informed Governor-General of Pakistan that Pandit Nehru was not well enough to go to Lahore. That, therefore, he alone was coming to attend the meeting of Joint Defence Council of which he is Chairman. That he hoped to take opportunity of meeting the Governor-General of Pakistan. That since he was only a constitutional Governor-General he could not negotiate a settlement.

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In this way the idea of a conference has receded into background so far as Indian Dominion is concerned, for, if India Government wanted if the Deputy Prime Minister could have come in place of Pandit Nehru.

The two Governors-General met at Lahore and had not a long discussion on November 1st. The upshot of discussion was that Governor-General, Pakistan, made following proposals to Governor-General, India, for acceptance of India Dominion:

1. To put an immediate stoppage to fighting the two Governors-General should be authorised and vested with full power by both Dominion Governments to issue a proclamation forthwith giving forty-eight hours' notice to the two oppossing forces to cease fire. Governor-General, Pakistan, has no control over forces of Provisional Government of Kashmir or tribesmen engaged in fighting but he will warn them in clearest terms that if they do not obey order to cease fire immediately the forces of both Dominions will make war on them.
2. Both forces of India Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.
3. With sanction of two Dominion Governments the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State and arrange for plebiscite without delay under their joint control and supervision.'

Lord Mountbatten was requested to place these proposals immediately before India Dominion and to get their acceptance of them. Governor-General, Pakistan, undertook to do likewise. Governor-General, Pakistan, is still awaiting a reply from Govervor-General, India.

On evening of November 2nd, a day after return of Lord Mountbatten to Delhi, Pandit Nehru broadcast what he calls decision of India Government and it is most unfortunate that he should have thought fit to do so in the manner and language

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he has used. Leaving aside the highly provocative attacks on Pakistan Government, the proposal he has put forward is full of most dangerous potentialities and will not bring peace to Kashmir. As long as forces of India Dominion are on Kashmir soil the struggle of Kashmir people will go on. What India Government call the restoration of law and order is no more than an attempt to oppressive killing-terror and driving out Muslim population of Jammu and Kashmir until, like East Punjab and Indian States in East Punjab, the composition of population is entirely changed. Pandit Nehru's broadcast indicates clearly that India Government intend to complete their occupation of Jammu and Kashmir and get entire control over its territory under superficial attractive slogan that ultimately the fate of Kashmir will be decided by people of Kashmir. Pandit Nehru has even avoided use of word plebiscite and has spoken of referendum which might mean anything. After India Government have established complete mastery over territory of Jammu and Kashmir the holding of a plebiscite or referendum will be purely a farce.

In the meantime feelings throughout West Pakistan and Tribal territory are running very high and will soon get beyond all control. After ghastly massacres in East Punjab it is impossible to expect people to witness patiently a tragedy on an equal scale in Jammu and Kashmir. Very little news of Jammu is allowed to reach outside world but situation there is extremely grave. According to our information thousands of Muslims are being massacred every day. In Jammu City itself 90,000 Muslims are bottled up and are in imminent peril of their lives.

The problem is so inflammotory and dangerous that it requires an immediate solution. All this was fully impressed upon Governer-General, India, in talk that Governor-General, Pakistan, had with him. The Pakistan Government are convinced that the only solution which will avoid further bloodshed and bring peace to Jammu and Kashmir, get a free verdict of people of State, and restore friendly relations between two Dominions is that proposed by Governor-General, Pakistan. Immediate action essential. Every day that passes counts and makes

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situation more and more dangerously grave. I once more urge you to take immediate action without a moment's delay or else the consequences will be beyond control and most disastrous having much wider repercussions not only in this sub-continent but throughout world."

21. Text of Telegram dated November 4, 1947 from Nehru to Liaquat Ali Khan

"Following for Liaquat Ali Khan from Jawaharlal Nehru.

I have received no reply yet from you to my telegram Primin-255 dated October 31st regarding Kashmir.

Reference last paragraph of your telegram No. 368-G dated October 30th, I have enquired from Prime Minister, Kashmir, about alleged raid. His reply sent after investigation is that there was no raid from Kashmir side to West Punjab but there was a raid from West Punjab side into Jammu Province. This was resisted by villagers and State troops and two Gurkha soldiers were killed in Kashmir territory. Apparently their bodies were dragged away by raiders into West Punjab.

I am informed in Jammu Province the situation is well in hand except in areas under occupation of raiders who are continuing their depredations. Kashmir Government is protecting Muslims in Jammu and border would be quite safe but for raiders from West Punjab.

I have repeatedly requested you to stop raiders from entering Kashmir territory from Pakistan, both in Jammu Province and along Jhelum valley road. Our information is that these raiders are being helped by high Pakistan officials. Indeed Prime Minister of N.W.F.P. has openly declared that these raiders should be helped. We have definite information that senior officials of Frontier Province are giving every assistance to these raiders. We put it to you that this is not only against your own declaration but also is a breach of international law. We trust that you will take immediate steps and not only stop further raids from coming into Kashmir State territory but order withdrawal of all those who are already in Kashmir State.

We are anxious to restore peaceful conditions in Kashmir and we invite your cooperation again to this end. This can only

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be done after withdrawal of raiders from State Territory. As soon as raiders are withdrawn there would be no necessity for our keeping our troops there.

I wish to draw your attention to broadcast on Kashmir which I made last evening. I have stated our Government's policy and made it clear that we have no desire to impose our will on Kashmir but to leave final decision to people of Kashmir. I further stated that we have agreed on impartial international agency like United Nations supervising any referendum.

This principle we are prepared to apply to any State where there is a dispute about accession. If these principles are accepted by your Government there should be no difficulty in giving effect to them."

22. Text of Telegram dated November 6, 1947 from Liaquat Ali Khan to Nehru

"Following for Pandit Nehru from Liaquat Ali Khan.

Your telegram No. Primin-255 dated October 31st, 270 and 285 dated November 4th regarding Kashmir.

In broadcast I made on evening of November 4th I gave a review of Kashmir situation and of events leading up to it. It is hardly necessary for me to go over the whole ground again or reply to your allegations in detail. But I must say that you are singularly misinformed about position in Jammu and Kashmir. In particular, your account of border incidents in Jammu and of conditions in Jammu is so contrary to facts that I can only conclude that Jammu and Kashmir Government are sedulously keeping truth away from you. Let me repeat that it is the Muslims in Jammu who are being massacred by thousands every day with active assistance of State police and military who are also organising raids into West Punjab. When Kashmir Government made offer of an impartial enquiry into these border incidents we accepted it at once. The Kashmir Government never broached the subject again. Your other allegations and insinuations are equally devoid of foundation and I emphatically repudiate them.

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A day before your broadcast indicating policy of your Government, a long discussion took place between Lord Mountbatten and the Quaid-i-Azam as a result of which the following proposals were put before Lord Mountbatten for communication to you and your Government:

(i) To put an immediate stop to fighting the two Governors-General should be authorised and vested with full powers by both the Dominion Governments to issue a proclamation forthwith giving 48 hours' notice to two opposing forces to cease fire. We have no control over forces of provisional Government of Kashmir or tribesmen engaged in fighting but we will warn them in clearest terms that if they do not obey order to cease fire immediately, forces of both Dominions will make war on them.

(ii) Both the forces of Indian Dominion and tribesmen to withdraw simultaneously and with utmost expedition from Jammu and Kashmir State territory.

(iii) With the sanction of two Dominion Governments the two Governor-General to be given full powers to restore peace, undertake administration of Jammu and Kashmir State and arrange for plebiscite without delay under their joint control and supervision.

Lord Mountbatten promised to let me know your Government's reply to these proposals but we have heard no more about them. Your Government's policy is vague. I still ask your Government to let me have your reply to our definite proposals."

23. The Text of Letter dated November 7, 1947 from the U.K. High Commissioner in Karachi to the Secretary, Ministry of Foreign Affairs and Common-Wealth Relations

"The following message has been received from the Prime Minister of the United Kingdom for communication to the Prime Minister of Pakistan.

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'Many thanks for your message dated 4th November about Kashmir, No. 376.

2. As indicated in a recent message to the Prime Minister of India, there is, unfortunately, a great lack of mutual trust between the Governments of Pakistan and India. The same applies to the majority of their supporters. I am sure that this makes it even more essential that, whatever the difficulties, continuous and constant contact should be retained between the two Governments.

3. I think that the proposal for the solution of the Kashmir trouble put forward in your message makes a promising starting point for discussions. As I understand the broadcast made by the Prime Minister of India on November 2nd, he gave two undertakings which seem to be in conjunction with your own suggestions. First, he undertook that the Indian Forces would be withdrawn from Kashmir as soon as order is restored. Second, he undertook that the will of the people should be ascertained, and he proposed that this should be done under the authority and supervision of the United Nations. No doubt any cunsultation of the people will be difficult to carry through. But I cannot believe that Mr. Nehru's pledges have the sinister implications which you suggest. It seems to me, therefore, that both you and the Prime Minister of India have put forward proposals which, although they differ in form, are based broadly on the same principles.

4. I hope therefore that there is now a starting point for discussions. While I fully recognise that this is difficult matter, not only because of the passions aroused on both sides but from the very nature of the problem of disengaging forces that have begun to fight, I can see little hope for relief of the present grave situation, which might easily become much worse, unless the two Governments do get together and try to reach accord on a mutually agreed plan of action.

5. I am hoping very much that I may have news of a further early meeting between you and the Indian Prime Minister.

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6. I was very sorry to hear of your illness. I send you my best wishes for your recovery.'

May I ask you to be good enough to transmit this message urgently to the Prime Minister by cypher telegram."

24. Text of Telegram dated November 8, 1947 from the Prime Minister of India to the Prime Minister of Pakistan

"Your telegram No. 384-G dated the 6th November about Kashmir was received to-day.

2. I regret that I hope to disagree completely with your account of what has happened or is happening in Jammu and Kashmir State. We have received and are receiving full information from our own representatives in both Jammu and Srinagar and this convinces us that your information is wholly wrong.

3. I regret also the tone and the content of your broadcast of the 4th November regarding Kashmir which indicated no desire to find method or the settlement. It was merely an indictment which has no relation to the fact.

4. In the last paragraph of your telegram you say that Lord Mountbatten promised to let you know the views of the Indian Government to the proposals discussed between the two Governors-General but that you have heard no more about them. On this point there seems to have been a misunderstanding. Lord Mountbatten, on his return from Lahore, gave me full account of his talk with Mr. Jinnah and in particular of the two important suggestions which had been discussed, namely:

(i) the withdrawal of Indian Dominion troops and men from Kashmir and,

(ii) Holding of a plebiscite at the earliest possible date.

As regards the first proposal, Lord Mountbatten told me that Mr. Jinnah desired that withdrawal of the Indian Dominion troops and tribesmen should be made simultaneously but that

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he (Lord Mountbatten) had pointed out that it was clearly impossible for the Indian troops to withdraw from Kashmir valley until the raiders had left Kashmir soil and law and order had been restored in Kashmir.

Lord Mountbatten had also made it quite clear to Mr. Jinnah that the Government of India had no desire to retain troops in Kashmir for a moment longer than was necessary. As regards the second point, Lord Mountbatten reported that Mr. Jinnah had expressed the views that there was no hope of a fair plebiscite under the present Kashmir authorities. To meet this point Lord Mountbatten had suggested that it should be conducted under the auspices of U.N.O. Mr. Jinnah had put forward the counter-proposal that two Governors-General should be given plenary powers to settle the matter. Lord Mountbatten had pointed out that it would be constitutionally improper for him to undertake this duty.

5. On the very day that I had this talk with Lord Mountbatten I made a broadcast in which the views of the Government of India on both these proposals were stated plainly and I followed it up with a telegram to you indicating that they might form the basis of discussion at our next talk. It is thus clear beyond any shadow of doubt that we did, in fact, put forward definite proposals as a basis for discussion between us as soon as possible after Lord Mountbatten's return from Lahore.

6. I would have been glad to explain to you personally at the meeting that had been arranged for tomorrow, the proposals we had put forward and the reasons for our inability to accept the proposals made to Lord Mountbatten by Mr. Jinnah. But since unfortunately you are unable to come, I must let you have my views to uphold them. They are as follows:

7. As regards your proposals one and two, a number of well armed raiders have entered Kashmir to accompaniment of massacre, arson and loot. Our troops have been sent there to drive out these raiders and protect Kashmir. So long as these raiders remain there, and law and order have not been established, our troops must discharge their duty. Afterwards they will be withdrawn, as I have already undertaken.

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8. The raiders are either under your control or they are not. If they are under your control you should withdraw them and, in any event, shop them coming through Pakistan territory into Kashmir. If they are not under your control and you can do nothing to stop them, then, surely, we are entitled to deal with them as we think best.

9. As regards proposal number three in your telegram of November 6th, we entirely endorse Lord Mountbatten's view (vide Paragraph No. 7 above).

10. It will thus be seen that our proposals which we repeatedly stated are: (1) that Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir; (2) that Government of India should repeat their declaration that they will withdraw their troops from Kashmir soil as soon as raiders have withdrawn and law and order are restored; (3) that Governments of India and Pakistan should make a joint request to U.N.O. to undertake a plebiscite in Kashmir at the earliest possible date.

11. The above conclusions relate only to Kashmir, but it is essential, in order to restore good relations between the two Dominions, that there should be acceptance of principle that, where Ruler of a State does not belong to community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is same as State's, the question whether State has finally acceded to one or other Dominion should be ascertained by reference to the will of people.

12. The Major-General commanding our forces in Jammu and Kashmir has been given the most explicit orders to do everything in his power to ensure that no victimisation of any community is permitted."

25. *Text of Telegram dated November 10, 1947 from the Pakistan Prime Minister to the Prime Minister of India*

"For Pandit Jawaharlal Nehru from Liaquat Ali Khan.

I have received your telegram No. 304 dated November 8th

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regarding Kashmir and have also had an account of your discussions with Sardar Abdur Rab Nishtar and Mohammed Ali. I have also seen draft agreement prepared by Lord Ismay, Menon and Mohammed Ali. I agree with you that early settlement of Kashmir question is essential to restore good relations between the two Dominions. Indeed every effort must be made to remove all causes of friction. For this purpose a very early meeting between us is necessary.

If I had been fit enough to travel I should have come to Delhi but, unfortunately, I am still confined to bed. I, therefore, invite you to come to Lahore at an early date convenient to you for a discussion of outstanding questions and hope that you will be able to accept this invitation."

26. Text of two Telegrams sent by the Indian Prime Minister to the Prime Minister of Pakistan on November 13, 1947

1. For Liaquat Ali Khan from Jawaharlal Nehru.

On return from Kashmir I have received your telegram No. 695-G dated November 10th. I am surprised to see reference to some draft agreement. There is no such thing to my knowledge, but some kind of a formula for discussion was placed before me and I was told by Menon that he did not agree with parts of it. Lord Ismay also informed me that he did not think it feasible. When I saw it I made it clear to Mohammed Ali that we could not possibly consider it.

An essential preliminary is complete withdrawal of all raiders and invaders into Kashmir territory from Pakistan. We cannot withdraw our troops from Kashmir, or cease taking precautionary measures, till Kashmir is free from these raids and there is no chance of further attack. Already Kashmir State has suffered greatly. My recent visit to Kashmir brought home to me the urgent necessity of every action being taken by us to drive away every single raider from State territory. The acts of vandalism that they have committed in Kashmir shocked me beyond measure. No organised authority can permit such savage behaviour in its territory. Hospitals, convents, churches, libraries, shops, in fact every place was

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ruined and looted. I saw large numbers of Muslim women with their ears torn because ear-rings had been pulled out. The population of Kashmir valley which as you know is chiefly Muslim complained bitterly of this outrageous behaviour and bagged us to continue to protect them. We cannot leave them in the lurch."

2. "News came yesterday of sack and large scale massacre of Rajori in Jammu Province by these raiders. We are going into these areas in Jammu Province to rid the people of this scourge.

During my stay in Kashmir our military officers placed before me numerous instances indicating the complicity of Pakistan Army soldiers in this invasion. I put it to you that the help given by Pakistan authorities to this barbarous raid is an act which must be resented very deeply by us and by the people of Kashmir. In order to clear up these charges against Pakistan authorities and Army, it is desirable from your point of view as well as ours, to have a thorough enquiry into this matter that is what part the North-West Frontier Province Government, or civil officers, or Army of Pakistan have played in helping this raid into Kashmir.

Sheikh Mohammad Abdullah is at present the head of the Kashmir administration and anything relating to Kashmir must necessarily have his approval and consent.

I would be glad to meet you to discuss these and other matters but for the next few days I am completely tied up with important meetings of Congress Working Committee and All India Congress Committee; the Constituent Assembly follows immediately after. Our meeting I hope would be helpful, but it can only bear results when all raiders have been driven out of Kashmir and Pakistan Government had declared its firm policy to the exclusion of these raiders away from Kashmir."

27. The Text of Telegram dated November 19, 1947 from the Prime Minister of Pakistan to the Prime Minister of India

"Your telegram PRIMIN-338 dated November 13th regarding Kashmir. If you will see document which you state was placed

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before you, you will find that it is headed 'Draft Agreement.' This draft agreement was prepared by Lord Ismay, Menon and Mohammed Ali and represented conclusions of a solution even though all or any of them might have doubts whether two Governments would accept it. Since you do not agree with it there is nothing more to be said about it.

You have mentioned certain instances of destruction of life and property. No one could condemn them more severely or regret them more that I do. Such acts must be condemned by every right thinking man wherever they occur. But I am pained to see that you appear to have taken no action regarding atrocities which are being perpetrated on Muslims of Jammu and Poonch. I have drawn your attention repeatedly to large-scale massacres of Muslims and to abduction of women. The brutality and cold-blooded murders and crimes against women of which Dogra troops of Indian Union have been guilty in Jammu and Poonch are of most heinous kind. The thousands of Muslims who are pouring into Pakistan from Jammu and Poonch tell tales of woe too horrid to be repeated. Your Government appears to be completely indifferent to this murder, rape, abduction, loot and arson, the only purpose of which is to liquidate entirely the Muslim population of the State.

I repudiate emphatically the insinuation in your telegram that Pakistan Army authorities are giving help to so-called raiders into Kashmir. On contrary, we have plenty of evidence that soldiers of Indian Union and of States that have acceded to Indian Union have been engaged in raids into Pakistan territory. I suggest you might appropriately have an enquiry into conduct of these solders.

I notice that you are not prepared to have a discussion until those whom you call raiders have been driven out of Kashmir, and also that anything relating to Kasmir must have approval and consent of Sheikh Mohammad Abdullah. This is hardly a constructive approach to Kashmir problem. In view of stand you have taken I see no other way to a peaceful settlement except a reference of whole question to U.N.O. I sent you a copy of Press statement I issued on November 16th in which I have made this proposal. I hope you will agree that

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in the present circumstances this is only fair and peaceful solution."

28. Text of Telegram dated November 21, 1947 from the Prime Minister of India, to the Prime Minister of Pakistan.

"You telegram No. 104, dated November 19th. I have nothing to add to what I have already said regarding the so-called agreement in may telegram No. 338 dated November 13th. I have been assured by the parties concerned that this was no agreement at all but the points noted down for discussion.

2. Immediately after accession of Kashmir State to India we were entirely occupied militarily and otherwise in Kashmir valley and we were not in touch with Jammu situation. We came to learn later that two convoys of Muslims had been brutally attacked in Jammu. We took immediate steps to prevent evacuation of Muslims from Jammu and to protect them there. Another convoy had started already but this was guarded by our tropps and when this was attacked troops inflicted very heavy casualties on attackers, killing 153 of them and wounding nearly a hundred and capturing 500 of them. Since then there has been no evacuation, no convoys, and no attacks. We have issued strictest possible instructions to Commander of our Forces that they should do everything possible to protect Muslims in Jammu and these orders have been carried out with success during last fortnight. We deeply regret the attacks on Muslim convoys early in November and heavy casualties suffered by them. We should like to point out, however, that no troops of Indian Union have been guilty of offences that you attribute to them. They have effectively protected Muslims. It appears that the attacks on Muslim convoys were made chiefly by non-Muslim refugees.

3. Sheikh Abdullah has visited Jammu recently and taken effective steps there to afford safety and security to residents.

4. The Poonch area, according to information available to us, has been overrun by raiders, and garrisons of State troops are mostly isolated and besieged. It is difficult to understand,

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therefore, how local Muslim population in this area could be victimised by non-Muslims.

5. We are quite sure that the soldiers of Indian Union Forces in Kashmir have afforded protection to Muslims according to strict directions, or have been engaged in fighting raiders.

6. As regards troops of States that have acceded to Indian Union, some of these were sent to Kashmir State but they arrived after attacks on Muslim convoys referred to above. There has been no allegation to our knowledge that they have participated in attack on Muslims and indeed they have not been physically in a position to do so.

7. I should like to draw your attention to certain resolutions passed recently by Indian Congress Committee in Delhi defining the policy to be pursued in regard to migration of population, refugees etc. These resolutions represent generally the policy of our Government.

8. Your statement that we are not prepared to have discussion until raiders have been driven out of Kashmir must be based on some misunderstanding. We are ready for a discussion at any time. All that I have said, and would repeat, is that a settlement of Kashmir issue cannot take place unless raiders are made to leave Kashmir State territory.

9. I must express may great regret at the remark you have made in your Press statement about Sheikh Abdullah. I regard him as a man of high integrity and patriotism. You know well his great influence in Kashmir. All communities look up to him but more specially and naturally the Muslims of Kashmir. He has faced very difficult situation with remarkable courage and ability. He is now head of Kashmir administration and undoubtedly represents in very large measure the popular will of Kashmir. It would be improper in every way for us not to consult him in any matter relating to Kashmir State.

10. The specific suggestions regarding reference to United Nations in your Press statement are:

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(i) "U.N.O. should immediately appoint representatives in Jammu and Kashmir in order to put a stop to fighting and to repression of Mnslims in State". Since United Nations have no forces at their disposal we do not see how they can put a stop to fighting or to alleged repression of Muslims. This can only be done by an organised military force and is being done by our troops. The fighting would also stop as soon as raiders were made to withdraw and I have repeatedly asked your co-operation in stopping transit and supplies to raiders through Pakistan territory.

(ii) "To set up an impartial administration of the State." It is not clear to me what U.N.O. can do in the present circumstances in Kashmir till peace and order have been established. We are convinced that Sheikh Abdullah's administration is based on will of people and is impartial. Anyone who goes to Kashmir and sees things for himself can appreciate this. Moreover we have pledged that so long as our forces are in Kashmir protection of all sections of community will be their first and sacred duty. This duty will be discharged without fear or favour.

(iii) "To undertake the Plebiscite under its direction and control for the purpose of ascertaining the free and un-fettered will of people of State on question of accession." I have repeatedly stated as soon as the raiders have been driven out of Kashmir or have withdrawn and peace and order have been established, Kashmir should decide question of accession by plebiscite or referendum under international auspices such as those of United Nations. It is very clear that no such reference to the people can be made when large bodies of raiders are despoiling country and military operations against them are being carried on. By this declaration I stand.

11. I have said enough to reassure you regarding our resolve to protect the Mus lim population of Kashmir and of

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our desire to have people of Kashmir themselves decide their own future under fair and equitable conditions. I would repeat that we are ready for a discussion at any time. But if a discussion is to lead to a settlement, the raiders must be out of Kashmir State. We cannot leave the people of Kashmir unguarded and in the danger of attack. We have pledged our word to protect them.

12. In your Press statement you have said that you have no control of the tribesmen engaged in fighting in Kashmir. Even so, it should be possible for you to deny them access to Kashmir through your territory and also to stop supplies of commodities like petrol which, *prima facie.*, they could not obtain from any source outside Pakistan. If you have no control over the raiders, and we do not stop and drive them out, then indeed we are reduced to a state of affairs when all Governments cease to function and the raiders, the looters and the killers become masters of the situation. That surely cannot be tolerated by our Government or yours.

13. I did not suggest that Pakistan Army was participating in the raiding officially. We possess, however, incontrovertible evidence that members of the Pakistan Army, whether on leave or deserters, have joined the raiders and that the military equipment which can only have come from Pakistan Army has been in the possession of the raiders.

29. Telegram from the Prime Minister of the United Kingdom to the Prime Minister of Pakistan dated November 22, 1947

"It is difficult for me and my Government to judge whether, by chance, there is any way in which we could be of service in helping towards a solution of the intractable problems produced by the march of events in relation to Kashmir.

2. Although the approach of your Government and that of the India Government is different, there seems to be agreement on both sides that a reference to the people of Kashmir is the right way in which to obtain a decision on the question of final accession to Pakistan or India, although I assume that if is

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hardly practicable to take this step before the spring. Mr. Nehru suggested in his broadcast of 2nd November, a referendum under international auspices like the United Nations and you also suggested in your statement of 16th November that the United Nations might be asked to appoint representatives to assist in the settlement of the Kashmir problem.

3. I can see great advantages, if it proved practicable for the machinery for consulting people of Kashmir to be devised and administered under the supervision of independent persons acting at the request of, and on behalf of, the two Governments jointly. After full consideration, I am inclined to think that the speediest and most satisfactory way of putting this idea into practice would be to have recourse to one special organ of the United Nations, namely the International Court of Justice.

4. Would you like me to take private soundings from the President of the International Court of Justice to find out whether he is of the opinion that it would be practicable and he would be willing to try to get together a small team of international exports, not connected with India, Pakistan or the United Kingdom, in the event of a joint request being preferred by the Governments of India and Pakistan for this to be done.

5. I should be delighted to take such a step if you and the Prime Minister of India think it would be helpful. I am sending an identical message to the Prime Minister of India."

*30. Text of Pakistan Prime Minister's reply cabled on November 24, 1947 to the British Prime Minister**

"Many thanks for your telegram of November 22nd regarding Kashmir. Your suggestion of having recourse to International Court of Justice appears to be based on an inadequate appreciation of realities of situation in Kashmir. You have focussed your attention solely on the last process in the solution of the Kashmir question, namely, the holding of a plebiscite and have

*Copy cabled to Nehru also.

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ignored the essential pre-requisites for a free and unfettered exercise of the will of the people. These are: Firstly, cessation of fighting and withdrawal of all outside forces, Indian or tribesmen, as well as of large number of armed Sikhs and Rashtriya Sewak Sangh who have entered the State since beginning of trouble; Secondly, the establishment of an impartial interim administration which would put a stop to repression of Muslims and give free and equal opportunity to all political parties in the State. Without these two essential pre-requisites there is no chance of a free verdict of the people of the State on the question of accession.

2. The oft-repeated promises of India Government and Pandit Nehru that they are willing to have a plebiscite in Kashmir are intended to mislead the world. There is no dispute that plebiscite must be held as early as possible to ascertain free will of people of Kashmir. This is not the question in dispute; it is axiomatic. The real issue is how this is to be done. You say the question has become intractable. It has been made purposely so by India Government. If India Government is honestly and genuinely desirous of a fair and peaceful settlement of Kashmir question they should immediately agree that fighting must cease and not take shelter behind the slogan that raiders must be driven out. It is not the so-called raiders but the people of Kashmir who are fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of India Dominion. The Azad Kashmir forces are almost wholly composed of the sons of the soil and even foreign observers have testified that wherever they have gone they have been welcomed as forces of liberation. We are ready to exercise all our influence on Azad Kashmir forces to stop fighting and to see that any tribesmen with them are not only stopped from fighting but are made to leave Kashmir. These tribesmen, it should be remembered, are the kith and kin of those for whom they are fighting.

3. The India Government are also trying to mislead the world by stating that people of Kashmir asked them through Sheikh Abdullah to send their troops to Kashmir. Sheikh Abdullah has been a paid agent of Congress for the last two

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decades and with the exception of some gangsters whom he has purchased with Congress money he has no following among Muslim masses. It is astonishing that Pandit Nehru, who knows these facts, should proclaim this Quisling to be the acknowledged leader of Muslims of Kashmir.

4. The India Government's insistence upon the retention of their troops in Kashmir until they have restored law and order to their own satisfaction can only mean that India troops will stay in the State until they have crushed by military force all opposition to their permanent occupation of Kashmir. The methods by which maintenance of law and order is used to consolidate an alien rule are well known. The Muslim population of the State has been feeling impact of those methods in full force. The true leaders of Muslims, and politically conscious among them, are, with their families, the special targets of this repression. In spite of protestation of India Government the number of Muslim refugees into Pakistan swells day by day and is now over 200,000 (two hundred thousand). All these refugees bring with them horrible tales of most inhuman atrocities. I repeat that what India Government is after, is permanent occupation of Kaspmir and they know they cannot achieve this object until they have changed composition of population by converting Muslim majority into a minority. Behind their high-sounding phrases stands this hideous reality—their elimination and demoralisation of whole population by violent means—and any proposal which fails to tackle this basic fact offers no real solution.

5. The above analysis shows that first, fighting must stop and all outside forces must withdraw and secondly, which is no less essential, that Kashmir Administration must be taken over by an impartial and independent authority immediately. Not until these conditions are fulfilled is there any hope of getting a free plebiscite which, in our opinion, need not wait till the spring.

6. I hope you now realise the actual position. If you would consider these basic facts you will, I hope, support our proposal that U.N.O. should immediately send out a Commission to

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undertake the tasks outlined in para 5 above. This Commission should have under it an International Police Force to maintain law and order. The composition of this Force can be left to decision of U.N.O. Commission. We, on our part, would be prepared to accept a force drawn solely from Commonwealth."

31. Text of Telegram dated December 12, 1947 from the Prime Minister of India to the Prime Minister of Pakistan

"Ever since my return from Lahore I have given most earnest thought to settlement of all outstanding matters in dispute between India and Pakistan. My colleagues share my desire for such a settlement which is essential for well-being of both India and Pakistan. It is our good fortune that agreements have already been arrived at in regard to many matters in controversy. But you will appreciate that it is difficult to make any progress if conflict and indifference continue between the two countries. Such a conflict is likely to affect all our other relations and may lead to a deterioration of situation.

2. The major cause of this conflict at present is Kashmir. We have discussed this matter with you at great length without resolving our differences or finding a way out of the impasse. I reiterate the arguments which have been repeatedly advanced in support of our position. You are fully seized of them.

3. We have given further thought, in the light of our discussion in Lahore, to the question of inviting United Nations to advise us in this matter. While we are prepared to invite U.N.O. observers to come here and advise us as to proposed plebiscite, it is not clear in what other capacity the United Nations help can be sought. According to your own declaration to us you are not party to present struggle in Kashmir. We cannot treat with irregular invaders as a State. No Government can deal with such raids which have brought death and destruction to Kashmir except through military means. We owe an obligation to the people of Kashmir to restore peaceful and normal conditions. We have pledged ourselves to this end. We would be glad to cooperate in an attempt to restore peace by settlement.

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4. I trust that you will appreciate the logic and reasonableness of our position and our earnest desire to find a solution which is honourable to all concerned. I hope to meet you when you visit Delhi on December 22nd to attend the next meeting of the Joint Defence Council and to discuss this matter further with you. I confess, however, that I find myself unable to suggest anything beyond what I have offered already, namely, to ask U.N.O. to send impartial observers to advise us regarding the plebiscite.

I hope that your health continues to improve."

32. Text of Telegram dated December 16, 1947 from the Prime Minister of Pakistan to the Prime Minister of India

"Your Telegram No. Primin 448 dated 12th December.

As you know, I am most desirous for a settlement of all matters in dispute between India and Pakistan. So are my colleagues. And I agree with you that the major issue outstanding between the two Dominions is Kashmir and, as I pointed out before also, Junagadh. During our discussions in Delhi and Lahore I explained to you how vital a place Kashmir occupies in relation to Pakistan. The security of Pakistan is bound up with that of Kashmir, and the ties of religion, cultural affinity and economic inter-dependence bind the two together still closer. The security and well-being of the people of Kashmir is of the highest importance to the people of Pakistan. We are, therefore, vitally interested in peaceful and honourable conditions for the people of Kashmir so that freed from all pressure, external or internal, they might of their own free will decide to which Dominion they wish to accede. The test of any course of action should therefore be whether it leads to the creation of conditions in which a really free plebiscite can be held. To my mind, the problem can only be solved by an act of statesmanship in the light of the basic realities of the situation and not by any legal disputations as how Pakistan is a party to the dispute or how U.N.O. can be brought in. I hope when we meet on the 22nd December we shall be able to discuss the matter in this spirit.

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Many thanks for your enquiry about my health. I am feeling better now."

33. *The Text of Letter dated December 22, 1947 Handed over by the Indian Prime Minister, Jawaharlal Nehru, to the Pakistan Prime Minister, Liaquat Ali Khan, in Person, in New Delhi*

"On various occasions, I have drawn your attention to the aid which the invaders of the Jammu and Kashmir State are deriving from Pakistan. Those who come from tribal areas have free transit through Pakistan territory, and many of these invaders are nationals of Pakistan. They are operating against Kashmir from bases in Pakistan. Much of their modern military equipment has been obtained from Pakistan sources; mortars, artillery and Mark V-mines are not normally the kind of armament which tribesmen or civilians possess. Motor transport, which the invaders have been using, and the petrol required for it, could also be obtained in Pakistan only. Food and other supplies are also secured from Pakistan; indeed, we have reliable reports that the invaders get their rations from military messes in Pakistan. According to our information large numbers of these invaders are receiving military training in Pakistan under officers of the Pakistan Army and other Pakistan nationals.

2. The forms of aid, enumerated in the preceding paragraph, which the invaders are receiving, constitute an act of hostility and aggression against India because they are being used against a State which has acceded to the Indian Dominion and is a part thereof.

3. The Government of India, while protesting against the action of the Pakistan Government in furnishing, or allowing such assistance to be furnished, and urging that the Pakistan Government should stop such help and call upon the invaders to withdraw, have so far taken no action which might involve entry by Indian forces into Pakistan territory. They have been hoping all these weeks, though with diminishing hope, that the Pakistan Government themselves would put a stop to aid to

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the invaders which is help to India's enemies. Since protests have failed to bear fruit, the Government of India now formally ask the Government of Pakistan to call upon Pakistan nationals to cease participation in the attack on Jammu and Kashmir State, and to deny to the invaders:

1. all access to, and use of, Pakistan territory for operations against Kashmir State;
2. all military and other supplies;
3. all other kinds of aid that might tend to prolong the present struggle.

4. The Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. They sincerely hope that the request which they have now formally made will be acceded to promptly and without reserve. Failing such response they will be compelled to take such action, with due regard to their rights and obligations as a member of the United Nations, as they may consider necessary to protect their own interests, and those of the Government and people of Jammu and Kashmir State.

34. The Text of Letter dated December 31, 1947 from the Prime Minister of Pakistan to the Prime Minister of India.

"Please refer to your demi-Official dated the 22nd December in which you have brought formal charges against the Pakistan Government for aiding and abetting the so-called 'invaders' of Kashmir in their fight against the forces of the Maharaja and of the Indian Dominion.

2. Despite the ominous hint contained in paragraph three, I trust I am right in assuming that your letter is not an "ultimatum" but a fore-runner of a formal reference of the matter to the U.N.O. If so, nothig could be more welcome, for, you will recollect, this is exactly what the Pakistan Government has been suggesting throughout as the most effective method of ironing out our mutual differences. I am, therefore, sincerely glad to find that you propose at last to adopt this particular line of approach to our problems.

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3. I must, however, confess my disappointment that your proposal apparently restricts the reference to the single issue of Kashmir. The episode of Kashmir considered by itself would look like a sentence torn out of its context. It is but an act in the unparalled tragedy which is being enacted before our eyes ever since the announcement of the scheme of partition. A reference to the U.N.O. therefore, in my opinion, must cover much larger ground and embrace all the fundamentals of the differences between the two Dominions. As I see it, it is neither Kashmir alone nor Janagadh and Manavadar, nor even the terrible tragedy of wholesale massacres of Muslim men, women and children in extensive areas of the Indian Dominion, but a totality of these horrors and iniquities, indicating but one consistent sinister pattern, which should rightly form the subject matter of international investigation. If the root causes of the evil, which is vitiating our relations, are not determined and removed, it is much to be feared that fresh incidents will continue to threaten the peace not only between the two Dominions, but in a much wider field.

4. The case of Kashmir is simple and our attitude has been explained frankly and repeatedly both in our communications to you and our official statements to the Press. The Pakistan Government has not accepted and cannot accept the so-called 'accession' of the Jammu and Kashmir State to India. We have said it before and repeat that the 'accession' was fraudulent inasmuchas it was achieved by deliberately creating conditions with the object of finding an excuse to stage the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the well-known will of an overwhelming majority of the population and could not be justified on any grounds whether moral or constitutional; geographical or economic; cultural or religious.

5. The sole responsibility for the disturbances which occurred in the State must squarely lie on the Maharaja and his Government who, despite the advice tendered by the Pakistan Government, persisted in their policy of repression of Muslims. Repression was followed by resistance particularly in

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the area of Poonch which is inhabited by a large number of ex-soldiers. The resistance in its turn was met with more repression till the Dogra savagery, supported by the brutality of Sikh and Rashtriya Sewak Sangh bands, created a reign of terror in the State. This State of affairs naturally aroused strong feelings of sympathy throughout Pakistan, particularly among the Muslims living in the contiguous areas who had numerous ties of relationship with the persecuted people of the State. Some of these people went across to assist their kinsmen in their struggle for freedom and indeed for existence itself. The stage was thus set for the pre-planned intervention by the forces of the Indian Dominion to quell this spontaneous popular rising against the culmination of the age-long tyranny of the Dogra rule. The repeated warnings of the Pakistan Government went unheeded. The hasty and ill-advised action completely changed the picture and the Frontier tribesmen, a Ferociously freedom-loving people, naturally took up the challenge in support of their Kashmir co-religionists fighting for their survival and liberation. If the Government of India had extended to the Pakistan Government the courtesy of consulting it before embarking on its enterprise and suddenly landing troops in Kashmir, or even notifying Pakistan of its proposed action thus providing an opportunity for discussion and consultation, it might have been possible to avert the tragedy of Kashmir. The action of the Government of India served to swell the torrent of popular resentment until it became impossible for the Pakistan Government to stem it without embarking on large-scale military operations.

6. As regards the charges of aid and assistance to the 'invaders' by the Pakistan Government we emphatically repudiate them. On the contrary, and solely with the object of maintaining friendly relations between the two Dominions, the Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war. This caused bitter resentment throughout the country but, despite a very serious risk of large-scale internal disturbances, the Pakistan Government has not deviated from the policy.

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In view of this background it would not be surprising if some nationals of Pakistan were taking part in the struggle for the liberation of Kashmir along with the forces of the Azad Kashmir Government. You must have already heard of an international Brigade composed of representatives of many nations in the world who are likewise fighting on the side of the Azad Kashmir Government. In regard to the modern military equipment that you allege to be in the possession of the Azad Kashmir forces, our information is that these forces are poorly equipped and such few modern weapons as they might possess, have either been captured from the Dogra and Indian troops or have been in the possession of the ex-soldiers of Poonch since the days of the British. As you know, there are large numbers of Poonchis in the Pakistan Army and if some of them, while on leave in their homes, rendered assistance to their kith and kin in defence of their hearths and homes, it is scarcely to be wondered at.

7. On the contrary, it is the Indian Government which must answer the charge of conspiracy with the Maharaja of Kashmir in repudiation of the very principles on which it had only one month before opposed Junagadh's accession to Pakistan. The plea that the accession is only temporary pending restoration of peaceful conditions is too flimsy to stand examination, particularly in the light of recent negotiations in the course of which a perfectly fair and workable plan of withdrawal of opposing forces followed by a referendum under impartial aegis suggested by us, was turned down by your Government. But all this fits in with the general 'pattern' of the India Government's political attitude towords Pakistan ever since it became evident that partition was the only possible solution of our constitutional problems.

8. The story beings as early as the middle of 1946 following the demonstration of Muslims throughout the country after the last provincial elections. It became clear that Pakistan was the unalterable goal of the Muslims. The inevitability of the partition of the country, which now became evident to all, gave rise to a wave of deep resentment among the Hindu and Sikh population of the sub-continent. As a direct result of this severe

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communal rioting occurred in several towns and Provinces of India such as Calcutta, Noakhali, Bihar, Bombay, Garhmukteshwar, Rawalpindi, Lahore and Amritsar. Such communal strife had not been unknown previously, but what was astonishing was the unprecedented scale of killings that took place in Bihar and Garhmukteshwar proving beyond doubt the existence of a well-settled plan of extermination of the Muslims. It was during these disturbances that the Rashtriya Sewak Sangh came to be known as the author of some of the most brutal massacres. The orgy of blood, however, died down in due course, but, as latter events proved, only temporarily.

9. The political activity which took place in the early part of 1947 produced a lull, but soon after the partition plan was announced on the 3rd June 1947, clear indications began to be received that the country was going to be plunged into a blood bath by the fanatical Sikhs and the militant Hindu groups headed by the Rashtriya Sewak Sangh who had made no secret of their opposition to the partition scheme, inspite of its being accepted by the representatives of all the three major communities.

10. The process of partition itself was marked by all manner of obstructions aimed at depriving Pakistan of its rightful share of financial and other assets. Even in cases in which agreement was reached, the implementation was delayed or sabotaged.

11. At this stage the main chain of events which eventually brought untold suffering to millions of people of East Punjab, Rajputana and the United Provinces was set in motion with carefully prepared attack on a special train carrying Pakistan Government employees and their families from Delhi to Karachi on the 9th August 1947. As the plan unfolded itself, it became clear that the Sikhs, encouraged and actively assisted by the Hindus, had determined to liquidate by violent and bloody means the entire Muslim population of East Punjab. The object of the plan was to kill or drive out Mussalmans in order to settle the Sikh population which was being pulled out of West Punjab under a planned scheme. The modus operandi was to disarm the Muslim population and then to leave it at

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the mercy of armed bands who were actively assisted by the Army and the police. There is abundant evidence that this plan had the full support and active assistance not only of the officers of the Provincial Government, but also of the Sikh States, such as Patiala, Kapurthala, and Faridkot. Alwar and Bharatpur had already set the example in eliminating their entire Muslim population, but they were soon outdone. Kapurthala, which, like Kashmir, was a Muslim-majority State, has to-day not a single Muslim left. Similarly large tracts of Muslim majority areas which under the Boundary Award had been most unjustly included in East Punjab were depopulated. The whole country was ravaged by fire and sword; vast numbers were butchered and countless women were abducted. Indeed decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their homes. The process went on, sector by sector, and culminated in the tragedy that was enacted in Delhi, the Capital of India. According to the Government of India itself there was a complete breakdown of administration for a number of days. The destruction and desecration of mosques, tombs and holy places, and forcible conversions on a mass scale, were special features of these happenings.

12. This plan of liquidation of the Muslim population is still proceeding despite the pious professions of the Government of India. The latest example of this is provided by the happenings in the holy city of Ajmer. The Government of Pakistan find difficult to believe that under the circumstances the Government of India are innocent of all complicity in this vast scheme of 'genocide' started by the Sikhs and Hindus and encouraged and supported by persons in authority as means of destroying the newly created State of Pakistan. The Mussalmans of India are being subjected to calculated insults and humilations. All sorts of tests of loyalty are being demanded from them. The one on which particular emphasis is laid is that they should denounce Pakistan and try to undo the partition and express their readiness to fight Pakistan on the side of India in the event of war between the two Dominions. It is a matter for deep regret that even to-day

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responsible members of the Government of India, including yourself, openly declare their intention or hope of bringing Pakistan back into the Indian Union, well knowing that this can be done only through conquest by arms. Such an attitude can only mean that the Hindu and Sikh leaders while giving their agreement to the partition plan did so without any intention of permitting its implementation and, further, that India is determined to undo the settlement by all means available at its disposal. In other words Pakistan's very existence is the chief 'causes belli' so far as India is concerned. It is this impossible position which manifests itself, time and again, in all of India's dealings with Pakistan whether political, economic or financial and unless an effective remedy is found, it is difficult to see how a direct clash can be avoided with the best will in the world.

13. The events which took place following the announcement of the accession of Junagadh and Manavadar States to Pakistan lend further support to the contention of the Pakistan Government that the Government of India intend by all possible means at their disposal to destroy Pakistan.

In accordance with the agreed scheme of partition and the Indian Independence Act, 1947, Indian States were under no compulsion to join either of the two Dominions. Notwithstanding this clear provision, the Government of India by a combination of threats and cajolery forced a number of States into acceding to the Indian Union. The Rulers of Junagadh and Manavadar were similarly threatened with dire cosequences but they stood firm and exercised their right of joining Pakistan in preference to India. This was the signal for India to launch with full force her attack, using every possible weapon in order to force the States against their will to change their affiliation. Protests were made to the Pakistan Government, pointing out that a State which had a Hindu-majority population could not accede to Pakistan as the country had been divided on a communal basis. Another reason given was that Junagadh was not physically contiguous to Pakistan and that its accession to Pakistan was calculated to cause disruption in the integrity of India. Simultaneously with these protests, the Government of

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India put large bodies of Indian troops on the borders of Junagadh and encouraged the neighbouring Hindu States, which had acceded to India, to do likewise. In clear violation of the stand-still agreement, the Junagadh State was subjected to an economic blockade involving stoppage of all vital supplies, including food, cloth and coal into the State territory. Lines of communication, including railway and telegraph, were operated in such a manner that it became impossible for the State or the Muslim population of Junagadh to communicate with the outside world. A strong Press campaign calculated to destroy the State administration and to create panic among the population was launched both inside and outside the State.

Another line of attack was adopted by setting up the so-called 'Provisional Government' with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the non-Muslim population of the Junagadh State. The so-called 'Azad Fauj' of the 'Provisional Government' was created and armed by the officers of the Indian Dominion. The 'Provisional Government' not only proceeded to seize by force State property in Rajkot, but by methods of sheer 'gangsterism' created conditions in which it became impossible for the State Administration to function. At this point the Government of India sent its troops and occupied the State under the plea of an alleged 'invitation' by the Dewan. Since then an orgy of murder, arson, rape and loot has been let loose in Kathiawar by the military forces of India in exactly the same manner as in Northern India, and hundreds of thousands of Muslims have had to flee from the State. According to newspaper reports, Mr. Samaldas Gandhi, the head of the so-called Provisional Government, has openly thanked a member of your Government, for all the assistance received. All this was done in sheer disregard of the international conduct and ordinary neighbourly decency. In the interest of peace between the two Dominions Pakistan refrained from sending a single soldier to Junagadh. Occupation by force of Junagadh, which is Pakistan territory, is a clear act of aggression against Pakistan.

14. In case of Manavadar even the thin camouflage of a semblance of justification was not considered neccessary and

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the State was taken under military occupation without the slightest explanation being given. A similar fate befell the Talukdari States of Sardargarh, Bantva, Sultanabad and Mangrol. The unfortunate rulers of some these States have been kept in detention and have been subjected to considerable pressure to wean them from their affiliation to Pakistan.

15. This brief account of India's dealings with a friendly State can leave no doubt in the mind of any impartial person that the new India does not feel herself bound by any moral or international code of rules. The military *coup d'etat* by which the occupation of Junagadh and Manavadar and other States was achieved, is of one piece with the general scheme of destroying the integrity and the very existence of Pakistan to which reference has been made. We have formally drawn your attention to the various acts of hostility culminating in actual seizure of Pakistan territory by the India Government in Junagadh, but have not received even the courtesy of a reply. Perhaps now that you propose to take the case of Kashmir to the U.N.O. you would be good enough to let us know why, in spite of our clear request, you have not withdrawn from the territories of Junagadh, Manavadar and Mangrol, etc.?

In this connection it is of interest to note that the arguments advanced by India for refusing to accept the accession of Junagadh to Pakistan have been conveniently and completely ignored in connection with the accession of Kashmir to the Indian Dominion. This again is fully in keeping with the general political attitude of India towards Pakistan.

16. These are not the only examples of aggression against Pakistan territory. Numerous raids by armed bands, assisted by the police and military, have taken place across the border into Pakistan. The Royal Indian Air Force have made repeated attacks on Pakistan territory causing damage to life and property.

17. Another illustration of the same attitude is provided by the refusal of the India Government to implement the recent financial agreement of all outstanding cases which had been referred to the Arbitral Tribunal. The India Government is

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deliberately withholding the payment of Rupees fifty-five crores of the cash balances which is the legal due of the Pakistan Government according to this agreement. This is the latest manifestation of their desire to strangle Pakistan financially and economically which characterised the partition proceedings. In the case of military stores there has been a similar refusal to implement the agreement. The Supreme Commander, who was appointed as a neutral authority under the joint Defence to carry into effect the partition of the armed forces and military stores, was forced despite the protestations of the Pakistan Government, to leave by your Government long before he could complete his task. At the time this was done the Indian representatives on the joint Defence Council pledged the word of the India Cabinet that Pakistan would receive her due share of military stores. This pledge, like other similar pledges of the India Government, has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

18. To sum up, our counter-charges against the Dominion of India are as follows:

1. that India has never wholeheartedly accepted the partition scheme, but her leaders paid lip-service to it merely in order to get the British troops out of the country;

2. that India is out to destroy the State of Pakistan which her leaders persistently continue to regard as part of India itself;

3. that the systematic sabotage against the implementation of partition, the stoppage of such essential requirements as coal and rail transport, the deliberate withholding of Pakistan's share of funds and arms and equipment, and the wholesale massacres of Muslim population are all designed toward one aim, namely, the destruction of Pakistan;

4. that India's forcible occupation of Junagadh, Manavadar and other States in Kathiawar which had

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acceded to Pakistan, as well as the fraudulent procurement of the accession of Jammu and Kashmir State, are acts of hostility against Pakistan whose destruction is India's immediate objective.

19. I, however, note with pleasure your assurance that the Government of India have always desired and still earnestly desire to live on terms of friendship with Pakistan. On behalf of the Pakistan Government I fully and sincerely reciprocate this desire. I am constrained, however, to observe that the Government of India have at no stage afforded any practical proof of their desire to live on terms of friendship with Pakistan, more praticularly in the case of Junagadh and Kashmir. On my side, I can assure you that the earnest desire of the Government of Pakistan to live on terms of friendship with India has, in many instances, restrained the Government of Pakistan from taking action which would not only have been legally justifiable but was in several instances urgently called for and yet was not adopted in the hope that the attitude of the Government of India might, even during these later stages, be more favourably affected towards Pakistan. I find it more and more difficult to persuade myself to continue to entertain that hope. The course of events, very briefly set out above, would normally have been treated as a chain of aggression justifying extreme action on the part of the aggrieved Government. Now that your letter of the 22nd December 1947 has indicated an intention on the part of the Government of India to invite the intervention of the United Nations, a course which the Pakistan Government has so far ineffectively suggested to the Government of India, for the resolving of their differences, I have taken this opportunity to invite your attention to the main heads of the differences between the two Governments that stand in the way of an amicable adjustment of our relations. It is my most earnest hope that these differences may be speedily composed and that our relations will thereafter ever continue to be on the most cordial, co-operative, and friendly basis. I trust you will agree that intervention of the United Nations, whatever from it is to take, should be

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invited in respect of all these matters, so that all pending differences may be speedily resolved."

35. Letter dated 1 January 1948 from the Representative of India Addressed to the President of the Security Council Concerning the Situation in Jammu and Kashmir

1. Under Article 35 of the Charter of the United Nations, any member may bring any situation, whose continuance is likely to endanger the maintenance of international peace and security, to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the North-West, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of the accession, the activities of the invaders which led the Government of India to take military action against, them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to giving of such assistance which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled in self-defence, to enter Pakistan territory, in order to take military action against the invaders. The matter is therefore one of extreme urgency and calls for immediate action by the Security Conucil for avoiding a breach of international peace.

2. From the middle of September, 1947, the Government of India had received reports infiltration of armed raiders into the western parts of the Jammu Province of the Jammu and Kashmir State; Jammu adjoins West Punjab which is a part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and taken possession of part of the territory of the State. On the 24th of October, the Government of India heard of a major raid from the Frontier Province of

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the Dominion of Pakistan into the Valley of Kashmir. Some 2,000 or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town of Muzaffarabad, killing many people, and proceeded along the Jhelum Valley Road towards Srinagar, the summer capital of the Jammu and Kashmir State. Intermediate towns and villages were sacked and burnt, and many people killed. These raiders were stopped by Kashmir State troops near Uri, a town some 50 miles from Srinagar, for some time, but the invaders got round them and burnt the power-house at Mahura, which supplies electricity to the whole of Kashmir.

3. The position, on the morning of the 26th of October, was that these raiders had been held by Kashmir State troops and part of the civil population who had been armed, at a town called Baramula. Beyond Baramula there was no major obstruction up to Srinagar. There was immediate danger of these raiders reaching Srinagar, destroying and sacking the capital and massacring large numbers of people, both Hindus and Muslims. The State troops were spread out all over the State and most of them were deployed along the western border of Jammu Province. They had been split up into small isolated groups and were incapable of offering effective resistance to the raiders. Most of the State officials had left the threatened area and civil administration had ceased to function. All that stood between Srinagar and the fate which had overtaken places on the route followed by the raiders was the determination of the inhabitants of Srinagar of all communities, practically without arms, to defend themselves. At this time, Srinagar had also a large population of Hindu and Sikh refugees who had fled there from West Punjab, owing to communal disturbances in that area. There was little doubt that the refugees would be massacred if the raiders reached Srinagar.

4. Immediately after the raids into Jammu and Kashmir State commenced, approaches were informally made to the Government of India for the acceptance of the accession of the State to the Indian Dominion. (It might be explained, in

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parenthesis, that Jammu and Kashmir form a State whose Ruler, prior to the transfer of power by Britain to the Dominions of India and Pakistan, had been in treaty relations with the British Crown which controlled its foreign relations and was responsible for its defence. The treaty relations ceased with the transfer of power on August 15th last, and Jammu and Kashmir, like other States, acquired the right to accede to either Dominon).

5. Events moved with great rapidity and the threat to the Valled of Kashmir became grave. On the 26th of October, the Ruler of the State, His Highness Maharaja Sir Hari Singh, appealed urgently to the Government of India for military help. He also requested that the Jammu and Kashmir State should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the largest popular organization in Kashmir, the National Conference, headed by Sheikh Abdullah. The Conference further strongly supported the request for the State's accession to the Indian Dominion. The Government of India were, thus, approached not only officially by the State authorities, but also on behalf of the people of Kashmir, both for military aid and for the accession of the State of India.

6. The grave theat to the life and property of innocent people in the Kashmir Valley and the security of the State of Jammu and Kashmir that had developed as a result of the invasion of the Valley demanded immediate decisions by the Government of India on both requests. It was imperative, on account of the emergency, that the responsibility for the defence of the Jammu and Kashmir State should be taken over by a government capable of discharging it. But, in order to avoid any possible suggestion that India had taken advantage of the State's immediate peril for her own political advantage, the Dominion Government made it clear that, once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognized democratic method of a plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices.

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7. The Government of India felt it their duty to respond to the appeal for armed resistance because:

(i) They could not allow a neighbouring and friendly State to be compelled by force to determine either its internal affairs or its external relations.

(ii) The accession of Jammu and Kashmir State to the Dominion of India made India legally responsible for the defence of the State.

8. The intervention of the Government of India resulted in saving Srinagar. The raiders, were driven back from Baramula to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion Forces in this area. Since the operations in the Valley of Kashmir started, pressure by the raiders against the western and South-western border of the Jammu and Kashmir State has been intensified. Exact figures are not available. It is understood, however, that nearly 15,000 raiders are operting against this part of the State. State troops are beseiged in certain areas. Incursions by the raiders into the State territory involving murder, arson, loot and the abduction of womean continues. The booty is meant to further the recruitment of tribesmen to the ranks of the raiders. In additions to those actively participating in the raids, a large number of tribesmen and others, estimated at 100,000 have been collected in different places in the districts of West Punjab bordering the Jammu and Kashmir State and many of them are receiving military training under Pakistan nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped, and transported to the territory of the Jammu and Kashmir State with the help, direct and indirect, of Pakistan officials, both military and civil.

9. As already stated, raiders who centred the Kashmir Valley in October came mainly from the tribal areas to the North-west of Pakistan, and, in order to reach Kashmir, passed through Pakistan territory. The raids along the South-west border of the State, which had preceded the invasion of

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the Valley proper, had actually been conducted from Pakistan territory and Pakistan nationals had taken part in them. This process of transit across Pakistan territory and the utilization of that territory as a base of operations against Jammu and Kashmir State continue. Recently, military operations against the Western and South-western borders of the State have been intensified and the attackers consist of the nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battledress of regular soldiers and, the recent engagements, have fought in regular battle-formation and are using the tactics of modern warfare. Man-pack wireless sets are in regular use and even Mark V mines have been employed. For their transport the invaders have all along used motor vehicles. They are undoubtedly being trained and, to some extent, led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusions:

(a) that the invaders are allowed transit across Pakistan territory;

(b) that they are allowed to use Pakistan territory as a base of operations;

(c) that they include Pakistan nationals;

(d) that they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and

(e) that Pakistan officers are training, guiding and otherwise actively helping them.

There is no source other than Pakistan from which they could get such quantities of modern military equipment, training and guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last

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occasion on which this request was made was on the 22nd December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which various forms of aid given by Pakistan to the invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly and without reserve. No reply to this letter has yet been received, in spite of a telegraphic reminder sent on the 26th.

11. It should be clear from the foregoing recital that the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from their territory and from their nationals including Pakistan Government personnel, both military and civil. This attitude is not only unneutral but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are, in consequence, confronted with a situation in which their defence of the Jammu and Kashmir State is hampered and their measures to drive the invaders from the territory of the State are gravely impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir, and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of the invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than the Jammu and Kashmir State is a menance to the rest of India. The Government of India have no option, therefore, but to take more effective military action in order to rid Jammu and Kashmir State of the invader. Indefinite continuance of the present operations prolongs the agony of the people of Jammu and Kashmir, is a drain on India's resources and a constant threat to the maintenance of peace between India and Pakistan.

13. In order that the objective of expelling the invader from Indian territory and preventing him from launching fresh attacks should be quickly achieved, Indian troops would have

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to enter Pakistan territory; only thus could the invaders be denied the use of bases and cut off from their sources of supplies and reinforcements, in Pakistan. Since the aid which the invaders are receiving from Pakistan is an act of aggression against India, the Government of India are entitled, in international law, to send their armed forces across Pakistan territory for dealing effectively with the invaders. However, as such action might involve armed conflict with Pakistan, the Government of India, ever anxious to proceed according to the spirit of the Charter of the United Nations, desire to report the situation to the Security Council in accordance with the provisions of Article 35 of the Charter. They, therefore, fell justified in requesting the Council to ask the Government of Pakistan:

(i) to prevent Pakisthan Government personnel, military and civil, participating in or assisting the invasion of Jammu and Kashmir State;

(ii) to call upon other Pakistan nationals to desist from taking any part in the fighting in Jammu and Kashmir State;

(iii) to deny to the invaders:

(a) access to and use of its territory for operations against Kashmir;

(b) military and other supplies;

(c) all other kinds of aid that might tend to prolong the present struggle.

14. The Government of India would stress the special urgency of the Security Council taking immediate action on their request. They desire to add that the military operations in the invaded area have, in the past few days, been developing so rapidly that they must, in self-defence, reserve to themselves the freedom to take, at any time when it may become necessary, such military action as, they may consider, the situation requires.

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15. The Government of India deeply regret that a serious crisis should have been reached in their relations with Pakistan. Not only is Pakistan a neighbour but, in spite of the recent separation, India and Pakistan have many common ties and common interests. India desires nothing more earnestly than to live with her neighbour State on terms of close and lasting friendship. Peace is to the interest of both States; indeed to the interests of the world. The Government of India's approach to the Security Council is inspired by the sincere hope that, through the prompt action of the Council, peace may be preserved.

P.P. Pillai

Representative of India to the UN

(Document nos/628 *in* SCOR, *3rd* Year supplement for November 1948 pp. 139-144)

36. Cable dated 3 January 1948 from the Prime Minister of Pakistan Addressed to the General Secretary of the United Nations

The text of document S/629 follows:

Karachi, 3 January 1948.

Secretary-General
United Nations Organization
Lake Success, New York

The Pakistan Ambassador to the United States of America has informed us that India's case against Pakistan regarding Kashmir has been fixed for the first hearing on January 6th and you have asked him for cabled credentials of our representatives. We have not yet seen India's reference to the Security Council as it was telegraphed on January 1st in a cypher which we could not decipher and we had to ask for repetition twice. The text has not yet been deciphered and India has promised to send us a copy by air tomorrow afternoon. In the circumstances it is impossible for us to prepare our case and place it before the Security Council by the 6th. We are also proposing to send

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our Foreign Minister as our chief delegate to present our case before the Security Council. The Foreign Minister has gone to Burma to represent Pakistan in Burma Independence celebrations and returns to Karachi on the 7th of January. We request stay of proceedings to give us reasonable time to prepare our case and to dispatch our delegation. This is clearly necessary for a proper consideration of the case. Meanwhile, we are directing Mr. Hasan Ispahani, our Ambassador in U.S.A., to proceed to New York and to remain in touch with you.

Prime Minister,
Pakistan.

37. Secretary-General Mr. Trygve LIE's Reply to the Cable of 3 January, 1948 from the Prime Minister of Pakistan

Prime Minister, Pakistan
Karachi

In reply to your Excellency's cable of 3 January, have the honour to inform you that in accordance with the rules of procedure and a specific request by the Indian Government, the Security Council is meeting on 6 January. Your communication will be put before the Council and your representative, Ambassador Ispahani, may request the necessary delay for preparing your case. Only the Security Council may grant this request.

Trygve LIE,
Secretary-General.

38. The Text of Telegram (S/636) dated January 6, 1948 sent by the President of the Security Council, F. Van Langenhove (Belgium), to the Ministers of Foreign Affairs of India and Pakistan

"The Security Council is on the point of undertaking the examination of the request submitted to it by India, which

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invokes Article 35 of the Charter of the United Nations. Prior to such examination and without prejudice to any decision on the part of the Council, I venture, as President of the Security Council, to address an urgent appeal to each of the two States which appear to be most closely concerned in the matter to refrain from any step incompatible with the Charter and liable to result in an aggravation of the situation thereby rendering more difficult any action by the Security Council.

I am addressing the same communication to the Minister of Foreign Affairs of Pakistan/India.

I have the honour to be, etc."

Discussion of the situation in Jammu and Kashmir Security Council Meeting 226 held on 6 January 1948.

Letter dated 1 January 1948 from the representative of India addressed to the President of the Security Council was adopted, as agenda (S/Agenda 226)

39. Speech of the President of the Council Mr. F. Van Langenhove (Belgium)

The agenda includes the examination of the latter, dated 1 January 1948, on the situation in the State of Jammu and Kashmir, addressed by the Indian representative to the President of the Security Council.

The Security Council was convened following the receipt of the communication referred to in our agenda as document S/628. Since the notices were sent out, the Secretary-General has received a telegram from the Government of Pakistan, dated 3 January, asking for the consideration of this question to be adjourned; this telegram and also the Secretary-General's reply, referring the request to the Security Council, are given in document S/629.

Before embarking on consideration of these several communications I shall read, for the information of the Security Council, the two telegrams which I requested the Secretary-General to send to the Minister of Foreign Affairs of India and

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to the Minister for Foreign Affairs of Pakistan on my behalf [*document S/636*]. These telegrams are identically worded; they read as follows:

"The Security Council is on the point of undertaking the examination of the request submitted to it by India, which invokes Article 35 of the Charter of the United Nations. Prior to such examination, and without prejudice to any decision on the part of the Council, I venture, as President of the Security Council, to address an urgent appeal to each of the two States which appear to be most closely concerned in the matter to refrain from any step incompatible with the Charter and liable to result in an aggravation of the situation, thereby rendering more difficult any action by the Security Council.

"I am addressing the same communication to the Minister of Foreign Affairs of Pakistan [India].

"I have the honour to be, etc."

The two documents S/628 and S/629) seem to me to require decisions by the Security Council on the following points:

1. Should India and Pakistan be allowed to participate, in accordance with Article 31 of the Charter, in the discussion of the case submitted to the Security Council by the Government of India?

2. Should the Council grant the Pakistan Government's request to stay proceedings to enable it to prepare its case and give its delegation time to arrive?

I propose that the Council take a decision on each of the two points I have mentioned.

In the first place, are there any objections to India and Pakistan being allowed, under Article 31 of the Charter, to take part without voting in the discussion of the question brought before the Council by the Government of India?

If there is no objection I shall assume that the Council agrees to invite these two States to participate in the discussion.

I now come to the second point: should the Council approve the postponment requested by the Pakistan Government?

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This raises a preliminary question: does the Council consider it necessary to invite the Indian and Pakistani representatives to participate in the consideration of this request for a postponement?

I think I am justified in saying that the presence of these two representatives would enable us to ask the Pakistan representative to specify the extent of the postponement requested by his Government and would, moreover, give the Indian representative an opportunity to state the views of his Government on this subject.

Are there any objections to the representatives of India and Pakistan being asked to take their places at the Council table at once?

As there is no objection, I assume the Council agrees.

The Secretary-General has prepared a report concerning the credentials of Mr. M.C. Setalvad, representative of the Government of India, and, in event of his being absent, of Mr. P.P. Pillai.

The Secretary-General has also prepared a report on the credentials of Sir Mohammed Zafrullah Khan, the Minister for Foreign Affairs of Pakistan, and, in the event of his being absent, of Mr. M.A. Hasan Ispahani.

These two reports (documents S/631 and S/633 have been circulated. I presume that they evoke no objections.

I shall not ask the representatives of India and Pakistan to take their places at the Council table.

At the invitation of the President, Mr. Pillai, representative of India, and Mr. Ispahani, representative of Pakistan, took their places at the Council Table.

The President (*translated from French*): The debate on the Pakistan representative's request for an adjournment (document S/629) is now open.

40. Speeches the Representative of Pakistan Mr. Ispaheni in the Security Council Meeting. No. 226th January 6, 1948

The complaint of the Government of India was made known to

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me by the Secretariat of the United Nations over the telephone on the afternoon of Friday, 2 January. I received a copy of the complaint a day later. I have since larned from my Government that it was still without knowledge of the case against it, inasmuch as the complaint was telegraphed by the Indian Government to the Government of Pakistan in a cipher which could not be deciphered, and the Government of Pakistan has had to ask twice for the complaint to be sent again. The Government of India has now promised to send a copy to Karachi by air mail.

The Council will realize that it has not yet been possible for my Government to study the case in order to send me the necessary brief even for this initial hearing.

My Government is sending its Foreign Minister, Sir Mohammed Zafrullah Khan, to present its case before the Security Council. At the moment, therefore, I can do little more than to say a few words from which the representatives of the countries here assembled may judge for themselves the background of the complaint of the Government of India.

My Government has repeatedly urged on the Government of India the necessary of peaceful settlement by negotiation of the dispute in Kashmir. I can do no better than to quote from a speech broadcast from Lahore. I submit that this meeting should be adjourned in order to give the Foreign Minister of Pakistan sufficient time to reach New York. He should be here about the 14th or 15th of this Month. If the Security Council sees its way to granting an adjournment until that date, I shall be grateful.

I can assure the members of the Council that the Foreign Minister will lose no time in arriving in New York, since he is as anxious as everyone else to have the matter placed before the Security Council as expeditiously as possible.

I do not know where the representative of India has obtained his information. I have not received such information from my Government. I have already submitted to the Security Council that my Government is equally anxious to take up this matter and other matters before the Council. As soon as Sir Zafrullah Khan is able to get away from Karachi, he will do so. If he is

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able to arrive here earlier than Wednesday, 14 January, I shall, if the Security Council directs me, inform the Secretariat; the Security Council can then, if it desires, change the time of the meeting. I do not wish to suggest a date now, only to find that my Foreign Minister has not been able to arrive here on time. I am keeping a day or two margin in hand, taking into consideration the bad flying conditions in Europe and across the Atlantic. I assure the Council that I desire to be as helpful as I can.

41. Speeches of the Representative of India Mr. Pillai in the Security Council Meeting No. 226, January 6, 1948

This is a matter of extreme importance and urgency for India. Just as I was coming to take my place at this table, I was handed a telegram concerning the grave developments which have now taken place, developments which we have tried to convey to the Council in the letter which I submitted to it. This telegram says that on 6 January, 4,000 uniformed and steel-helmeted raiders using all the modern equipment of war, are now, for the first time, making a first major daylight attack on Indian Army positions on Indian soil. This is indicative of the urgency of the situation.

But for all that, my Government realizes that the request for adjournment which has been made by the representative of Pakistan is a request to which it cannot properly object. In all fairness, we feel that we shall have to say yes to what has been asked for. Therefore, I shall say for my Government that it has no objection to granting the adjournment requested by the representative of Pakistan.

Mr. President, I am not quite certain that the adjournment asked for should be as long as you have just now indicated. I thought that perhaps a week's adjournment might be enough. Of course, it is none of my business to interpret the wishes of the representative of Pakistan, but I see in the newspapers that his Foreign Minister was in Rangoon on 3 January and would be reaching Karachi on 5 January. So, sir, if you were to make it a week's adjournment from now, it would be possible for him to be here by at least next Monday?

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The Council decide to meet again at the beginning of next week and not later than the 15th January 1948.

42. Decision

At its 226th meeting, on 6 January 1948, the Council decided to invite the representatives of India and Pakistan to participate, without vote, in the discussion of the question.

43. Appointment of Mr. N. Gopalaswami Ayyangar as Representative of India to the Security Council (S/645)

Text of document S/645:

"Pursuant to rule 15 of the provisional rules of procedure of the Security Council, I wish to report that I have received a letter dated 13 January 1948 from Dr. P.P. Pillai, represen tative of India to the United Nations, stating that Mr. N. Gopalaswami Ayyangar, Minister without Portfolio, has been appointed representative of India to the Security Council for the discussion of the Kashmir situation. Mr. M.C. Setalvad, Advocate High Court, Bombay, and Sheikh Mohammad Abdullah, Head of the Administration, Kashmir and Jammu State, have been appointed alternate representatives.

"In my opinion this letter constitutes adequate provisional credentials."

Continuation of the discussion of the situation in Jammu and Kashmir Security Council meeting no. 227 held on 15 January 1948.

44. Speech of Mr. Gopalaswani Ayyanagar (India's Representative)

The Security Council has met today to commence the consideration of the communication addressed to it on 31 December 1947 by my Chief, the Prime Minister of India.

That communication summarizes in clear terms the impasse that has been reached in the relations between India and Pakistan over the situation in the Jammu and Kashmir State,

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and the threat to international peace and security with which it is pregnant if it is not solved immediately. It further makes a specific suggestion for consideration by the Security Council as to the action that it may take immediately for ending the impasse and eliminating the danger for an armed conflict between the two countries with its attendant, almost inevitable, repercussions on the maintenance of would peace. I desire at the outset of this investigation to make a fuller statement of our case with a view to assisting the Security Council in obtaining a comprehensive and realistic appreciation of the problem that faces it in this connexion.

It is with a heavy sense of responsibility that India invokes the good offices of the Security Council in finding a solution. The report under Article 35 of the Charter has been made to this Council after a great deal of hesitation and with the deepest regret. I wish it had been possible to settle between ourselves, with perfect friendliness and in a generous spirit of give and take, our differences in relation to this problem, in the same way as we have done, and are doing, in the case of many other problems. The failure has not been due to lack of effort on our part. Towards the end of the third week of November, an all-out effort was launched by Pandit Jawaharlal Nehru, in which the Prime Minister of Pakistan concentrated up to a point, for effecting an over-all amicable settlement between the two countries in respect of all outstanding major points of controversy. Agreement was reached, with willing and free consent, in respect of even some of the most intricate matters which had until then baffled solution.

On the Kashmir issue alone, however though good progress was made and a settlement was almost in sight at one stage, the negotiations finally broke down as a result of the attitude adopted by the Pakistan Government in declining to do what, under any view of right international conduct, it is its obligation to do. No one with knowledge of the course of these negotiations could fail to have been impressed by the transparent good faith, the sincerity and the honesty of our endeavour to reach a settlement; and that settlement would have been reached but for the intransigence and the lack of

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adequate confidence and courage, in dealing with their own people, which the Government of Pakistan have unfortunately exhibited in this connexion.

The situation in the Jammu and Kashmir State is grave today. It is growing graver every day, thanks to the difficult nature of the country where the sanguinary fight is in progress and to the wintry weather conditions. Even so, the situation need be on matter of concern to us if we proceeded to handle it in an exclusively military way and to deal with the invaders and raiders in the way they deserve to be dealt with, and in the manner in which, under other circumstances, we would not have hesitated to deal with them. Such handling, in the present case, might, however, involve risks of an armed conflict with our neighbour, and, with due regard to the principles we have subscribed to as a Member of the United Nations, we would like to exhaust every possible resource for avoiding war, particularly war with the people of a neighbouring State with whom centuries of common living, culture and tradition incline us, in spite of ephemeral recent happenings, to continue to develop the ties that bind us together.

We have come, therefore, to invoke the assistance of the Security Council in persuading the Pakistan Government, where we so far have failed, and in thus helping to save the lives and honour of thousands in the Jammu and Kashmir State. Freed from the scourge of invasion, and with normal life restored, this land of beauty and its hard-working and self-awakened people will thus be enabled to carve out for themselves, by a free choice of their own, the economic and political destiny that awaits them.

It is, if I may say so, of the highest importance that action for the stoppage of the fighting in the State, which is now going on between the armed forces of India and the forces and people of the State on the one side, and the raiders and invaders from the tribal areas and the West Punjab and North West Frontier Provinces of Pakistan, together with some insurgents in the State, on the other, should be taken with special expedition, not only for the purpose of saving life, property and honour,

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but also for the purpose of avoiding the risk of a war between India and Pakistan, which the compelling necessities of military action might any day precipitate and make inevitable. I would very strongly urge, therefore, on behalf of my Government, that not merely urgency but immediacy should characterize the action that should, as a result of your consideration, be recommended in the present situation.

Lying at the North-western extremity of India, the Jammu and Kashmir State has to its North Chinese Turkestan, to its North-east Tibet, and to its North-west, the Union of Soviet Socialist Republics. On its Southern side, its borders are contiguous with those of Dominions of India and Pakistan. The area of the State is approximately 82,000 square miles and its population is just over four millions.

Essentially mountainous in its geography, the State consists of successive ranges of snowclad mountains and beautiful valleys between. For administrative purposes, the State could be divided into four distinct regions: Jammu proper with the largest proportion, in any area of the State, of Hindus, mostly Dogra Rajputs; to the East and North, the areas of Baltistan and Ladakh, originally parts of Tibet but conquered and annexed to the State by the great-grandfather of the present Maharaja over a century ago; the Kashmir Valley, the third distinct division of the State; and Gilgit, with its strategic position across the river Indus, at the Northern most extremity.

The population of Kashmir Valley is over 90 per cent Muslim and that of Gilgit is wholly Muslim. In Jammu, the proportion of Hindus is substantially higher, but taking the State as a whole, the Muslims are in a majority of about seventy-eight per cent. From Srinagar, the principal city in the Valley of Kashmir, one road leads to Pakistan, branching off at Domel via Muzaffarabad and Abbottabad, but proceeding straight through Kohala and Murree to Rawalpindi. The other road connects it with Jammu. The usual line of communication from Jammu to India before partition was through Sialkot, now in Pakistan; but, after the partition of India, through connexion with the Indian Dominion is from Jammu to Pathankot over a fair-weather road which has had to stand the heavy strain of military and other traffic during the last two and a half months,

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and is therefore not in a good condition. This is, however, being rapidly improved and re-aligned.

For just over a hundred years, the State has been ruled by the present dynasty. It seems unnecessary to trace the history of the State in any detail. The important date for our present purposes may be taken as 15 August 1947, when the United Kingdom transferred power in India. Prior to that date Jammu and Kashmir, like any other State of comparable size, was an independent State in treaty relations with the Crown of England. It had, however, no international existence. Being a frontier State, its border was under the direct administration of the British. Its economy was dependent for all essentials like cloth, fuel and food on India or Pakistan. The administration is monarchical, the hereditary ruler being assisted by a legislature with an elected majority; two of the ministers were drawn from the legislature and worked with three others appointed by the Maharaja, to form a Cabinet over which the Prime Minister presided. There has been a movement in the State for the establishment and liberalization of popular democratic institutions during the last sixteen or seventeen years. The two main parties contending for recognition and power were the National Conference led by my colleague, Sheikh Abdullah, who is a sturdy champion of a national secular State, and the Muslim Conference Party, which, in regard to ideology, is, in the State, a replica of the Muslim League in non-State India.

On 15 August, when the Indian Independence Act came into force, Jammu and Kashmir, like other states, became free to decide whether it would accede to the one or the other of the two Dominions, or remain independent. It was, however, expected that the State would, as a matter of course, enter into relationship with one or the other of the Dominions, having regard to its geography and history, its economic interests and the wishes of its population. Kashmir started negotiating simultaneously with India and Pakistan, since it was contiguous to, and had close economic ties with, both of them.

India was, of course, vitally interested in the decision that the State might take in regard to accession. Kashmir, because of its geographical position, with its frontiers contiguous with those of countries like the Union of Soviet Socialist Republics

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and China, is of vital importance to the security and international contacts of India. Economically also, Kashmir is intimately associated with India. The caravan trade routes from Central Asia to India pass through Kashmir State. Nevertheless, we have at no time put the slightest pressure on the State to accede to the Indian Dominion, because we realized that Kashmir was in a very difficult position. While a standstill agreement with India was being negotiated, we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan. At first we did not pay any serious attention to the reports we received. At that time all the energies of the Government of India were strained to the utmost in achieving the task of effecting a gigantic transfer of population on a vast scale. But the reports about the application of coercive pressure began to come with increasing frequency. In, or about, the month of September, the position became really serious.

The events which actually followed cannot be explained away as a fortuitous combination of circumstances. A closer examination would reveal to any impartial body of men that there was a definite method, a calculated plan, which was being followed.) It is not my desire to overburden this statement with details. In shall, however, briefly refer to the main events. It was not easy for Kashmir to obtain the essential supplies from India because of the difficulty of communications. The Pakistan Government started with a breach of its standstill agreement with the State. Quotas of petrol—384,000 gallons—wheat, salt, kerosene oil and cloth allotted to the State under the All-India Basic Plan, for which payment had been made by the Kashmir Government, and which were lying in Pakistan territory at the towns of Rawalpindi, Lalamusa, Sarai Alamgir and Sialkot, were withheld and prevented from being imported into the State. The consequent distress of the people of the State was great. It became impossible to barry on normal trade, and the entire transport of men and goods to and from the State came to a standstill for want of petrol. That the State of Jammu and Kashmir was subjected to economic blockade has been testified to by foreign correspondents. I will cite only two examples. On 13 October 1947, Norman Cliffe, correspondent of the London

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News Chronicle, reported from Kashmir: "Pakistan has cut off from Kashmir supplies of petrol, sugar, salt and kerosene oil, although a standstill agreement between them has been signed". The London *Times* carried the following dispatch from its correspondent in India: "The refusal of Pakistan to supply petrol, salt, sugar and kerosene oil to Kashmir has nearly cut off the State from India". The Government of Pakistan itself pleaded that it could not send these essential supplies, and in defence of its inability to do so, it put forward the excuse that the means of transport were lacking. A sufficiency of transport was, however, always available for carrying invaders to Kashmir, on 22 October 1947 and later.

The economic blockade of Kashmir was an essential part of the plan to coerce Kashmir into acceding to the Dominion of Pakistan. The press in Pakistan openly carried on this propaganda accompanied by threats and warnings. On 5 September 1947, the *Zamindar*—that is the name of a journal—in an editorial captioned "Surround Kashmir", suggested that in view of the reluctance of the ruler of Kashmir to accede to Pakistan, all the gates which connect Kashmir with India should be closed. The article concluded: "Let us beleaguer Kashmir, let us do it so effectively that it may not be able to get out of our hands and seek refuge beyond the borders of our Dominion. Kashmir and Jammu are parts of Pakistan. Their going out of Muslim domination will badly shatter the prestige of Mussulmans."

India came into the picture of the present developments on Kashmir only on the eve of signing the instruments of accession. Since then, we have come to know of the pressure which had been exercised by Pakistan for obtaining the accession of the State. Side by side with economic strangulation of Kashmir by stop-page of supplies, raids and armed activity began to take place from West Punjab on the territory of Jammu and Kashmir State. On 3 September a gang of 400 Pakistan nationals armed with spears and pistols attacked the village of Dohali, 12 miles South-east of Ranbirsingh Pura, looted and set fire to the village.

Accordig to the diary maintained by Brigadier Sir H. L. Scott, Chief of the Military Staff of Jammu and Kashmir State,

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"On 6 September 1947, [there was] a market increase in the activity of Pakistan troops on the main roads. A patrol visited Alibeg, twelve miles West of Bhimbar, Major General O. D. T. Lovett, commanding 7th Infantry Division, [was] informed. On 13 September 1947, a Pakistan Army patrol visited Alibeg and Jatli, 14 miles West of Bhimbar, both in the State territory."

Five days after 6 September, 180 refugees of the Kashmir State returning from Rawalpindi to Kohala were murdered en route. On or about 18 September the railway service between Sialkot and Jammu was suspended by the Pakistan authorities, and a request made on 19 September for a supply of petrol elicited no reply. The hardship which must have been occasioned by this unwarranted act of interference can be easily assessed if one realizes that the Jammu-Sialkot railway is the only railway connecting the State with the outside world. On the same day armed gangs ferried into Palandri. Ten days later a band of 500 armed men from Pakistan with service rifles, automatics and spears attacked a State petrol near Chak Harka, 6 miles South of Samba. On 30 September, forty Pakistanis accompanied by two police constables entered the State territory in uniforms, five miles South-west of Akhnur, and killed a State solidier. On the same day 100 armed Pathans entered Dhirkota Thana, 8 miles South-east of Kohala, on Kashmir territory. Much damage was inflicted on the local population by these continuous raids.

Matters had thus come to such a pass that the Government of Kashmir had to send a telegram of protest to the Governor General of Pakistan. I shall read out extracts from this telegram, dated 18 October 1947.

"Ever since 15 August, in spite of an understanding to observe 'standstill' agreements on matters on which agreements existed on 14 August with British India, difficulties have been felt, not only with regard to supplies from West Punjab of petrol, oils, food, salt, sugar and cloth, but in the working of the postal system; savings bank accounts were refused to be operated, postal certificates were not cashed, cheques on West Punjab banks were not honoured.

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"Owing to the failure of remittances from the Lahore Currency Office even the Imperial Bank was hard put to meet its obligations. Motor vehicles registered in the State were held up at Rawalpindi. Railway traffic from Sialkot to Jammu was discontinued.

"The State Government has afforded safe passage to 100,000 Muslim refugees from Pathankot to Sialkot. On your side 180 out of 220 Kashmiri nationals, who were stranded at Rawalpindi and were being convoyed to Kohala at our request, were killed.

"People armed with modern long-range fire-arms have infiltrated in thousands into Poonch and committed horrors on non-Muslims.

"Pakistan radio appears to have been licensed to pour out volumes of malicious, libellous, false propaganda. Smaller feudatory States are prompted to threaten and even intervene with armed interference in Kashmir State. Even private people in Pakistan are allowed to wire unbearable threats, without check, through Pakistan post offices. This State of Kashmir is being blamed for acts which actually are being committed by Pakistan people. Villages are being raided from Sialkot.

"The Kashmir Government cannot but conclude that all this is being done with the knowledge and connivance of the local authorities. The Kashmir Government considers these acts extremely unfriendly, if not actually inimical. Finally, the Government wishes to make it plain that it is not possible to tolerate this attitude any longer without grave consequences to the life and property of the people which it is sacredly bound to defend at all costs. Please put a stop to all the iniquities which are being perpetrated.

"If unfortunately this request is not heeded, the Government hopes that the Governor-General and the Premier of Pakistan will agree that it would be justified in asking for friendly assistance and opposing trespass on its fundamental rights."

The Governor-General of Pakistan, in his reply dated 20 October 1947, made no effort to answer the specific accusations. Instead, he chose to treat the communication from the Government of Kashmir as an ultimatum containing an alleged

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threat to seek outside assistance. However, by the time the reply of the Governor-General of Pakistan reached the Government of Kashmir, the large-scale invasion of the State from the side of the North West Frontier Province had actually commenced.

On 22 October 1947, about 2,000 tribesmen, some in about 100 lorries supplied to them by Pakistan's North West Frontier Province, and others on foot, fully armed with modern weapons and under the command of a Pakistan national, entered the town of Muzaffarabad at dawn. They sacked the town, killing, looting and raiding as they went along. The *Gurdwara* (a place of religious worship for the Sikhs) was burned, the Government treasury looted, and State records destroyed. The local troops were taken by surprise, out numbered and defeated.

The invaders continued their progress along the Jhelum Valley road towards Srinagar. Their triumphant march was temporarily stemmed at Uri, a town 50 miles from Srinagar, by the demolition of a bridge and the gallant resistance of about 150 men under the command of Brigadier Rajendra Singh of the Kashmir Army, who was killed fighting a memorable last-ditch battle. The raiders managed to construct a diversion which was about a mile long and which must have required considerable engineering skill, as it was completed in 52 hours. They then continued their advance and, before reaching Baramula, they burned the power house at Mahura which supplied electricity to the whole of Kashmir.

The position was now critical. The State troops were scattered all over the territory of Kashmir. They had been split into small isolated groups, incapable of offering resistance to raiders who were overwhelming in numbers. All that stood between Baramula and Srinagar was a plain road, with hardly any troops to impede the raiders' advance. But the inhabitants of Srinagar, consisting of Hindus, Sikhs and Muslims under their leader Sheikh Abdullah, rose up as one man to defend Srinagar.

The raiders stopped at Baramula on 27 October and sacked the town. In their 13-day occupation of Baramula they denuded it of all its grain, cloth and money and left behind them a trail of loot, arson, rape, abduction and murder. They opened

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camps where women were kept, raped the women, and set up parties to loot what was not destroyed. They spared nothing—not even the St. Joseph's Convent, which was thoroughly ransacked. The nuns were violated and two shot dead.

Sydney Smith, of the London *Daily Express*, in his dispatch dated 10 November 1947, reported that the tribesmen went in crazed with fighting, shooting and screaming; within 30 minutes they had looted the convent and had killed six, including the assistant Mother Superior and Colonel and Mrs. Dykes of the Indian Army, who were in Baramula on leave. These were the barbarous men of whom Pakistan had boasted as the champions of liberty, who were supposedly fighting for the "liberation" of Kashmir, who had gone all the way from a distant land as the "Saviours of Kashmir".

From Baramula, where the raiders received reinforcement in thousands, they spread in armed batches toward Sopore, Bandipura, sparing no one from loot or violence. Srinagar, the capital of the State, and the whole of the Kashmir Valley, were in peril.

In this situation the Maharaja of Kashmir approached the Government of India for military aid and addressed a letter from Jammu, dated 26 October 1947, to the Governor-General, Lord Mountbatten:

"My dear Lord Mountbatten,

"I have to inform Your Excellency that a grave emergency has arisen in my State and request the immediate assistance of your Government. As Your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or Pakistan. Geographically may State is contiguous with both of them. Besides, my State has a common boundary with the Union of Soviet Socialist Republics and with China. In their external relations the Dominions of India and Pakistan cannot ignore this fact. I wanted to take time to decide to which Dominion I should accede or whether it is not in the best interests of both the Dominions and of my State to stand independent, of course with friendly and cordial relations with both. I accordingly approached the Dominions of India and

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Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the standstill agreement is operating the post and telegraph system inside the State. Though we have got a standstill agreement with the Pakistan Government, that Government permitted a steady and increasing strangulation of supplies like food, salt and petrol to my State.

"Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State, at first in the Poonch area, then from Sialkot and finally in a mass in the area adjoining the Hazara District on the Ramkote side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simultaneously, so that it has become difficult to stop the wanton destruction of life and property and the looting of the Mahura power house, which supplies electric current to the whole of Srinagar and which has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my Government, as a first step to overrunning the whole State. The mass infiltration of tribesmen drawn from distant areas of the North West Frontier Province, coming regularly in motor trucks, using the Mansehra-Muzaffarabad road and fully armed with up-to-date weapons, cannot possibly be done without the knowledge of the Provincial Government of the North West Frontier Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or to stop them from coming into my State. In fact, both the radio and the Press of Pakistan have reported these occurrences. The Pakistan radio even put out the story that a provisional Government has been set up in Kashmir. The people of my State, both Muslims and non-Muslims, generally have taken no part at all.

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"With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so, and I attach the instrument of accession for acceptance by your Government. The other alternative is to leave my State and the people to freebooters. On this basis no civilized government can exist or be maintained. This alternative I will never allow to happen so long as I am the ruler of the State and I have life to defend my country.

"I may also inform Your Excellency's Government that it is my intention at once to set up an interim government and to ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

"If my State is to be saved, immediate assistance must be available at Srinagar. Mr. V.P. Menon is fully aware of the gravity of the situation and will explain it to you, if further explanation is needed.

"In haste and with kindest regards,
"Yours sincerely,
"(*Signed*) *Hari Singh*"

On 27 October 1947 the Governor-General of India replied as follows from New Delhi, to the Maharaja's letter:

"My dear Maharaja Sahib,

"Your Highness's letter dated 26 October 1947 has been delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by Your Highness, my Government have decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and its soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.

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"Meanwhile, in response to Your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir, to help your own forces to defend your territory and to protect the lives, property and honour of your people. My Government and I note with satisfaction that Your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister. . . .

"*(Signed) Mountbatten of Burma*"

The two letters give the story of the offer and acceptance of the accession. I would invite the attention of the members of the Security Council to the high-principled statesmanship characteristic of the Government of India under its present leadership. In accepting the accession they refused to take advantage of the immediate peril in which the State found itself and informed the Ruler that the accession should finally be settled by plebiscite as soon as peace had been restored. They have subsequently made it quite clear that they are agreeable to the plebiscite being conducted if necessary under international auspices. The acceptance of the accession was urged upon the Government of India by the leader of the most influential popular organization in Kashmir. It was clear to my Government—as indeed it was clear to everybody else—that peace in Kashmir could never be restored or maintained without the support of the people. Sheikh Abdullah, leader of the National Conference in Kashmir, pressed for accession as earnestly as the Ruler of Kashmir himself, and his organization promised its complete co-operation. On the question of accession, the Government of India has always enunciated the policy that in all cases of dispute the people of the State concerned should make the decision.

The Government of India had in fact no plans to send any military assistance to Kashmir before 25 October 1947. The British chiefs of staff of the three services of the Indian armed forces have certified:

1. On 24 October the first intimation of the tribesmen's capture of Muzaffarabad reached the Commander-in-Chief in India.

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2. No plans of sending troops to Kashmir had beed either considered or made by the Indian Army until then.
3. On 25 October directions from the Government of India were received for the first time to prepare plans for sending troops to Kashmir by air and road if necessary.
4. On 27 October, with Kashmir's instrument of accession signed, Indian troops were sent to Kashmir by air.

Had India had any plans ready to send troops to Kashmir before this date it would hardly have waited until the invaders had overrun half the Valley.

There is ample proof available to establish that the invaders of Kashmir are not only being allowed transit across Pakistan territory but also draw much of their equipment, arms, transport, supplies and petrol from Pakistan.

For three months thousands of tribesmen have crossed Pakistan territory and have continued to pour into Kashmir. And yet Pakistan has acquiesced in this mass and continuous trespass on its own territory by people who were openly on their way to violate the integrity of a neighbouring State and to challenge constituted authority therein.

Sydney Smith of the London *Daily Express* wrote on 10 November 1947 that he saw bus-loads of howling Pathans crossing the Kashmir border from Pakistan at Domel in 45 lorries. One Lal Mir, taken prisoner by us on 12 December 1947, said that on first recruitment he was taken in a truck to a camp at Wazirabad, where he saw some 10,000 tribesmen in all. All of them were issued arms, ammunition, transport, food and clothes in that camp. Those who were unacquainted with arms were trained accordingly. Lal Mir, after being fully equipped for the front, was then taken by a truck to "another big city like Wazirabad" which he reached at night and where he left the bus. After crossing a bridge at midnight he went across the border into the State and participated in an attack on five villages and killed and looted Hindus in that area.

A British officer of the Pakistan Army writing home to the United Kingdom on 25 November 1947 from Abbottabad, said

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that lorry-loads of food from local civil supplies and about 1,000 gallons of gasoline were being sent to tribesmen in Kashmir from Abbottabad daily. Our District Liaison Officer at Jhelum reported on 25 November 1947 that a large number of the First Punjab Regiment, dressed in civilian clothes, were carrying arms and ammunition every evening in trucks and sometimes tanks and armoured cars over the Jammu and Kashmir border. He saw 5,000 tribesmen under training 14 miles beyond Kahuta.

Our representative at Peshawar reported in November that about 20,000 tribesmen had moved from the North West Frontier Province to Kashmir accompanied by men of the Pakistan Army "on leave", frontier constabulary and additional police in plain clothes, and that petrol, ammunition, arms and transport were invariably supplied to them. Transport for this purpose was requisitioned by order of the North West Frontier Province Government.

A report from our Chief Liaison Officer stated that all raiders' casualties are being admitted into the Pakistan military hospitals.

One of the raiders, on being interrogated as a prisoner, admitted that there was a large training camp at Sialkot where raiders are trained for a period of 8 weeks, prior to proceeding to Karianwala in order to receive arms, equipment, ammunition and uniforms before going into action.

There is proof also to show that the raiders have in use. 303 rifles, Bren and Sten guns, two-and three-inch mortars, 3.7 howitzers' anti-tank rifles, Mark V mines and manpack W/T sets. I have photographs of some of these items which we captured from the raiders, indicating that such large numbers could only have come from Pakistan military depots.

In the opening phases invaders were not in uniform; now they appear wearing battle-dress, steel helmets, army greatcoats and boots. Captured vehicles have Pakistan number plates on them. Large quantities of petrol, a rationed article, without using which it is not possible for any bodies of such men to reach Kashmir, could only have come from Pakistan. We have evidence to show that large numbers of buses and lorries

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carrying tribesmen towards Kashmir had their petrol tanks filled to the brim at Pakistan pumps without coupons or payment. Raiders' vehicles are repaired in Pakistan workshops.

Three-inch mortars have been so extensively used against us that it indicates far larger numbers than the few we have lost in action. We have also encountered fire from an anti-tank rifle in the Naoshera area. Two Humber and GMC type armoured cars were seen in the Akhnur sector and four anti-tank mines located in the same area. Their technical examination showed that the mines had originated in the Kirkee Arsenal of India in 1943.

In his statement, prisoner Iqbal, son of Sakhi Mohd of Takbal village, said that since the creation of Pakistan there had been extensive propaganda by the Muslim League leaders to the effect that every Muslim should join the *Lashkar*[1] which was to invade Kashmir. According to him, the Prime Minister of the North West Frontier Province was the chief organizer of the rebel force being assembled at Peshawar. He said he was sorry they had to kill their own Muslim brothers in Kashmir and that they had been cheated by their Prime Minister.

We have ample evidence to prove that the raiders include a large number of Pakistan nationals. There is reason to suspect that "General Tariq, Commander in Chief of the Raiders" who has been described by a foreign Press correspondent as a tall Sandhurst-trained officer, is a regular officer of the Pakistan Army. Michals, U.P.A. correspondent, in a dispatch dated 11 November 1947, said he met three "rebel" officers at Palandri. One of them admitted he was an officer of the Pakistan Army "on leave to fight in Kashmir."

I have in my possession some discharge certificates, pay books and driving licences of raiders, who were captured or killed, showing that they were nationals of Pakistan. Documents recovered from the dead bodies of two raiders in uniform showed them as men of the 16th Punjab Regiment of the Pakistan Army. Other identifications have disclosed the enemy to include the Pakistan National Guards.

Pakistan officers are training, guiding or otherwise actively

1. Armed force.

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helping the raiders and are being allowed to use Pakistan territory as a base for operations. [The main bases are at Shakargarh, Sialkot, Wazirabad, Gujarat, Lala Musa, Jhelum, Rawalpindi, and Abbottabad.] All these towns lie along the length of the border between Jammu and Kashmir State and Pakistan. Our Chief Liaison Officer in West Punjab reported in November 1947 that there is a reception camp at Rawal, near Rawalpindi, for tribesmen en route to Poonch through Kahuta. Also, there is a training camp at Nar near Kahuta where training in small arms and elementary tactics is given.

One of our military evacuation officers reported a few weeks ago that he saw at Jhelum six Pakistan cadets who had finished training at the Indian Military Academy, being sent by the 1st Punjab Regiment to the Kashmir front for "battle inoculation." He also reported that the 7/1 Punjab Regiment and the 1st Punjab Regimental Centre were training tribesmen bound for Kashmir; also that there are nearly 10,000 tribesmen being trained at Gujarat under the instruction of the 4/12 Frontier Force Regiment.

Certain members of the Central and Provincial Governments in Pakistan have done extensive propaganda in the North West Frontier province and Western Punjab calling upon all Muslims to fight a *jehad*.[1]

A Press report has said that the Premier of the North West Frontier Province in a statement to the Press at Dera Ismail Khan on 1 January 1948 said Pathans had decided to sacrifice everything in the Kashmir campaign.

Alan Moorehead of the London *Observer* wrote in his dispatch to London dated 2 November 1947 that recruiting for Kashmir was going on everywhere, not only in the tribal territories, but also inside Pakistan itself.

The methods employed by raiders and the way they are handled, including their system of defences, indicate that they are being trained and led by professional soldiers. In fact, they use the same words of command as are prevalent in the Pakistan forces.

1. Holy war.

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The Press and the State-controlled radio in Pakistan have extolled Pathans all along for their "successes" in Kashmir. They frequently refer to India as "the enemy." The have repeatedly said that Pathans have proved to the world by their victories in Kashmir that they alone can effectively protect the State of Pakistan.

The Prime Minister of Pakistan has emphatically repudiated the charges of aiding and assisting the invaders in Kashmir, and has stated that they have in fact tried to stem their movement "by all means short of war." Yet, according to him, it should not be surprising if "some Pakistan nationals" were taking part in the struggle for the liberation of Kashmir along with the raiders.

Pakistan officials have stated that arms, Brens and mortars being used against us are those brought over when Muslims of the Kashmir military forces deserted to the invaders, or those captured from our forces. The number of desertions has been comparatively so small that this allegation is in essence false.

The Prime Minister of Pakistan has described the raiders in Kashmir as "poorly equipped" and has said that such modern weapons as they possess have been captured from the Kashmir State troops or were in their possession since the days of the British. He has, however, confessed that Pakistan military personnel on leave in their homes "might have rendered assistance to their kith and kin in defence of their hearths and homes."

It seems extraordinary conduct for an army to allow its officers and men to "go on leave" and omit to take disciplinary action against them for participating, during their leave, in fighting against a neighbouring and a friendly country. As a matter of fact, these men on leave could not have been defending their own hearths and homes when they joined in convoys and formations proceeding from the North West Frontier Province towards places in Jammu and Kashmir State, sacking, burning and looting towns and villages on their way.

The members of these convoys, far from defending their own hearths and homes and protecting their kith and kin, were really out to destroy the hearths and homes of the peoples in the villages and towns they sacked.

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I shall not refer to other evidence of a similar character which is available to me. What I have said already is sufficient to indicate that a large movement of Pathans has been taking place through Pakistan into Kashmir; that several military bases exist in Pakistan where the raiders are trained and equipped and from which they finally proceed to Kashmir; that arms, equipment and clothing have been freely available to these raiders in Pakistan.

I received information yesterday that at Gujarat, one of the bases already referred to, a train carrying non-Muslim refugees from the North West Frontier Province was attacked by armed tribesmen. These tribesmen were in one of the concentrations to which I have already referred. Out of a total of 2,400 refugees in the train, only 1,100 have been accounted for—this morning's newspaper puts it at only 750—and of this small number, many are badly multilated and wounded. Of the escorting Indian troops, numbering 61, only 15 survivors have so far been accounted for. Many women among the evacuees have been abducted.

The Prime Minister of Pakistan has said, again: "Kashmiri, and especially the inhabitants of Poonch, have many relatives in Hazara and in the West Punjab. Consequently, feelings in certain parts of Pakistan rose very high, and some people from the North West Frontier Province and the tribal areas, stirred by the atrocities in Kashmir, rushed to the aid of their brethern." Mr. Liaquat Ali Khan then goes on to say: "Our heart goes out to them, our brethern, in this mortal struggle... If the plans of their enemies succeed, they will be exterminated as Muslims in various parts of India have been exterminated."

The Prime Minister of the North West Frontier Province goes a step further. He openly appeals to "every Muslim in Pakistan to get ready" and invites the Governments of Afghanistan, Iran Turkey and the Governments associated with the Arab League to "face this new danger to the existence of Islam." He also admits his inability to check the invading tribesmen entering Kashmir. Pir Illahi Bux, Minister of Education in Sind, unburdens his sentiments, as reported in the *Times of India* on 4 November 1947, thus: "I hold all Muslims

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on the surface of the earth as brethern. It is not only the Pathans who have to carry on the struggle. It has become the concern of all Mussulmans of Pakistan, nay of the whole world, to save the Muslims of Kashmir from destruction." He then appeals to all trained and demobilized soldiers to proceed as volunteers to the Kashmir front. While all this was happening, we still continued to hope that Pakistan would realize the utter futility of this conflict and adopt a friendly and co-operative attitude and help us in ridding Kashmir of these pestilential invaders. We exercised every restraint and did our utmost to persuade the Government of Pakistan to take action against the raiders, but to our abiding regret, our efforts met with no success.

The attitude of the less responsible people in Pakistan is one of unconcealed hostility towards India. The leading newspaper of the Muslim League Party in Pakistan namely, *Dawn*, published our military communiques as "enemy versions." It is not possible for me here to convey to the members of the Security Council in all its varied aspects the atmosphere of hostility and enmity which the press in Pakistan stirred up against India. In such circumstances, it was not an easy matter to persevere in our efforts for negotiation. And yet we did persevere. During the months of November and December, several conferences were held between the Governments of the two Dominions in order to arrive at a satisfactory solution to the problem. There were moments when we thought that we had almost come to a satisfactory settlement, but we did not. And the reason for this was that at no time was the Government of Pakistan willing, openly and categorically, to disassociate itself from the invaders. In the meantime, the military situation assumed added gravity. The raiders became better organized and better equipped. They intensified their pressure several-fold. In one of the engagements at Jhangar, our troops were attacked by six thousand men, armed with automatic weapons including medium machine-guns and mortars. We could no longer tolerate this situation without endangering our own peace and safety, and so on 22 December 1947, our Prime Minister handed over a formal letter to the Prime Minister of Pakistan in which he made a final attempt to

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persuade him to take measures for denying all assistance to the raiders. We received no reply for a weak. We then brought the matter to the notice of the Security Council.

The numerous communications exchanged between, and the statements made by, the Prime Ministers of India and Pakistan merely show that, whereas we have been making earnest endeavours to seek the co-operation of Pakistan in effecting the withdrawal of the raiders, the Government of Pakistan has not been willing to do anything to stop the raiders from making use of its territory for warlike operations against Kashmir.

Illustrative of this attitude of unhelpfulness are some of the communications which the Prime Minister of Pakistan sent in reply to the telegrams addressed to him by the Prime Minister of India. Thus, on 28 October 1947, our Prime Minister sent a telegram to the Prime Minister of Pakistan in the following terms (and I wish to draw the attention of the Council to the fact that this was on the day immediately following our sending of troops to Kashmir):

> "I want to invite your Government's co-operation in stopping these raiders entering Kashmir territory from Pakistan. These raids have already resulted in large-scale death and destruction, and, if they are not stopped immediately, will lead to the ruin of Kashmir. The consequent success of such irresponsible raiders anywhere will be far-reaching all over India. Therefore, in the interest of both Pakistan and India, such raids must be stopped. As raiders come across Pakistan territory, it should be possible to stop them there."

The Prime Minister of Pakistan sent his reply to this telegram on 30 October. Permit me to quote it in full. After acknowledging the receipt of Pandit Nehru's telegram, the Prime Minister of Pakistan went on to State as follows:

> "The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with the greatest difficulty that Pathan tribes were prevented from entering West Punjab to

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take revenge on Hindus and Sikhs. In Poonch Muslims were attacked and those in Jammu massacred by mobs led by Kashmir State forces, and when it was evident that there was to be a repetition in Kashmir of [what happened] in East Punjab, it became impossible wholly to prevent tribes from entering that State without using troops who would have created a situation on the frontier that might well have got out of control.

"Your recent action of sending troops to Kashmir on the pretext of accession has made things infinitely worse. The whole of the frontier is stirring and the feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu until State troops started killing Muslims. All along the Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussion. On 2 October, I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of borders raids. The Prime Minister of Kashmir replied that he was too busy. When in spite of this we sent Shah Joint Secretary Ministry of Foreign Affairs and States, to Kashmir, the Prime Minister refused to discuss with him. On 15 October, the Prime Minister of Kashmir threatened that unless we agreed to an impartial inquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial inquiry. Since then no more has been heard from Kashmir of this proposal.

"The Pathan raid on Kashmir did not start until 22 October. It is quite clear therefore that Kashmir's plan of asking for Indian trops—and it could hardly have been unilateral—was formed quite independently of this raid, and all evidence and action taken shows it was pre-arranged. It would seem rather to have been made after failure of their troops to suppress the people of Poonch and in anticipation of the reaction which they expected to their massacre of Moslems in Jammu.

"I, in my turn, appeal to you to stop the Jammu killings, which still continue. Yesterday West Punjab was again invaded

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by a well-armed mob, who, after a fight with villagers, retreated, leaving two Gurkha soldiers in uniform dead behind them. As long as this sort of thing continues, passions are bound to become further inflamed."

The attitude of mind disclosed in the reply given by the Prime Minister of Pakistan was regrettable. It does not attempt even to disown these raiders or condemn thier activities; indeed, it almost attempts to extenuate and find excuses for them.

It may be stated here that the Prime Minister of Kashmir, Mr. Mahajan, has categorically challenged the correctness of the allegations made against him and the Government of Kashmir by Mr. Liaquat Ali Khan.

I come now to the subject-matter of the reference made to the Security Council. In doing so, it is necessary to emphasize that there is no dispute about territory. The territory is that of Kashmir, and it is this territory which has been invaded, its towns and villages sacked, its people massacred, and its women abducted. Secondly, the subject-matter of reference is limited to the dispute in Kashmir, and its purpose is to request the Security Council to use its undoubted influence and power to persuade the Government of Pakistan (1) to prevent Pakistan Government personnel, military and civil, from participating in or assisting the invasion of Jammu and Kashmir State; (2) to call upon other Pakistani nationals to desist from taking any part in the fighting in Jammu and Kashmir State; (3) to deny to the invaders:

(i) access to and use of its territory for operations against Kashmir;

(ii) military and other supplies, and

(iii) all other kinds of aid that might tend to prolong the present struggle.

We have referred to the Security Council a simple and straightforward issue. There is at this very moment a small war going on in Kashmir. Every day that passes brings in its wake added sorrow and suffering to the people of Kashmir. Furthermore, every day that the war is prolonged, the danger of the

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extension of the area of conflict grows. Who can derive satisfaction from such a State of affairs? Is it not really a matter of extreme urgency that the raiders be withdrawn and fighting cease? Is not the withdrawal of these raiders and the averting of a threatened breach of the peace the sole issue demanding priority and urgent consideration? Are we making any unreasonable demands when we ask our neighbouring State of Pakistan to discharge its neighbourly duties? We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order have been established. Everything that we have done has been in discharge of our legal, constitutional, and moral responsibilities and obligations.

I must apologize for the length of this statement. My excuses are the magnitude of the issue involved from the standpoint of our immediate needs as well as of ultimate human values, and the imperative and paramount necessity in present world conditions of the united conscience of the nations of the world represented in this body exerting moral, if not legal, authority in preventing war. Otherwise, there is no hope for peace or human betterment.

In some ways, Kashmir might prove a test case for this Security Council. I have, in as small a compass as possible, referred to the happenings during the last three months in that now unhappy corner of the world, a full account of which will fill more than one sumptuous tome.

What is the present position as regards the political problem in that State? By committing himself before the world to the framing of a constitution providing for responsible government and calling Sheikh Mohammad Abdullah to shoulder the responsibility for administration during the interim period, the Maharaja has already set in train the chain of events which will convert him in the next few months from an absolute ruler into the constitutional head of an executive responsible to a democratically-elected legislature.

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The question of the future status of Kashmir *vis-a-vis* her neighbours and the world at large, and a further question, namely, whether she should withdraw from her accession to India, and either accede to Pakistan or remain independent, with a right to claim admission as a Member of the United Nations—all this we have recognized to be a matter for unfettered decision by the people of Kashmir, after normal life is restored to them.

There is, therefore, no excuse for outsiders, whether of the tribal areas or of Pakistan proper, to continue fighting against the people and Government of the State, unless it be religious fanaticism based upon hatred and revenge. (To allow continuous opportunity for the play of this unholy passion for a "holy war" is to succumb to a barbaric doctrine. It therefore means prolongation of the entirely unnecessary suffering to which the people of Kashmir have been subjected for no rational comprehensible reason).

The Indian Army today is the one unshakable factor which now stands between the miscreants, marauders and murderers from outside, on the one hand, and chaos and anarchy on the other. The withdrawal and expulsion of the raiders and the invaders from the soil of Kashmir and the immediate stoppage of the fight are thus the first and the only tasks to which we have to address ourselves.

To my friends from Pakistan, I would therefore address this question:

> You have welcomed this reference to the Security Council. Are we jointly so bankrupt of faith in the need for peace, in human decency and dignity that we cannot, even at this late stage, agree upon your taking the action which it is so obviously your duty to take and your calling us to co-operate with you in implementing it should you consider our assistance necessary?

The most disquieting news from India today is the fast upon which Mahatma Gandhi has entered. It is for an indefinite period, and unless the warring religious and communal fanatics in India will give up feelings of hatred, revenge,

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violence and retaliation and give evidence of a real change of heart, the biggest man of the age, the greatest apostle of non-violence, peace and goodwill in the world today, might deprive us of the guidance with which his immaculate life of sacrifices has sustanied us all these years.

I saw him on the day I left New Delhi for New York last week. I wish we could notify him as soon as possible of a settlement between the two Dominions calculated to stop at once the fighting in Kashmir and to restore conditions which will enable all, whether non-Muslim or Muslim, who have fled from the State, to return to their homes. We can make no greater contribution to the saving of this precious life. May we of India and Pakistan have the vision and the determination to do so.

(SCOR, 3rd Year,
Mtg. No. 227 pp. 10-30)

45. Speech of Mr. Mohammed Zafrullah Khan (Pakistan's Representative) (Requirement of Longer Time)

I have every desire to conform to the wishes of the Security Council in all respects, and more particularly with regard to the procedure and the timetable that the Security Council might wish to adopt in dealing with the matter with which it is occupied at the moment.

When the President intimated to me that it would be convenient for the Security Council to hear me tomorrow afternoon in reply to what the representative of India has said in support of the reference made by India to the Security Council, I expressed my readiness to fall in with the President's wishes. The statement to which we have just listened does, however, raise to many matters that are in controversy between the Government of India and the Government of Pakistan that I feel that if it were possible to grant me a little longer time than would be available between now and tomorrow afternoon to make a reply to the statement of the representative of India, I could do better justice to the case on the side of Pakistan.

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On the other hand, if the Security Council should feel, having regard to its own time-table, that it would be impossible or inconvenient for the Security Council to grant me a longer iime, I shall do the best I can tomorrow afternoon to meet the case that has been sought to be made out by the other side. The issue does not appear to us to be either as simple or as straightforward as the representative of India has tried to make out.

The picture is by no means as clear as it appears to him, and it will be necessary to set out before the Security Council the whole background of this Kashmir problem. I do not blame the representative of India for touching upon only such aspects as appear to him to be the principal features of the case, but it does not appear to us by any means in the colours with which he has sought to point it.

I am entirely in the hands of the Security Council. I feel, however, that it would take longer than the time between now and tomorrow afternoon for me to prepare the reply if I am to do justice to the cause of Pakistan. I submit to the Council that it might even take longer to set out that reply than it has taken the representative of India to make his case.

(SCOR, 3rd Year,
Mtg, No. 227 pp. 30-31)

46. Speech of Mr. Gopalaswami Ayyangar (India)

May I say that I do not wish it to appear as if India wanted to put any obstacles in the way of a proper presentation of the case of Pakistan. I only wish to invite the attention of the Security Council to the predominating point in the reference that India has made to the Security Council, the one upon which we lay the greatest stress namely, that any action we can persuade the Security Council to take on this reference should be urgently taken. The situation does not brook delay.

In this connexion, I would also point out that what we have done so far has been calculated to give the fairest and amplest opportunity to Pakistan to prepare its case before the Security Council. The Security Council will recall that on the day we dispatched our telegram to the United Nations, stating

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our case, we also sent a copy, by telegram to Pakistan. The whole object of that procedure was that, if the Security Council became seized of this matter, Pakistan would not be placed at a disadvantage in meeting any case we might place before the Security Council.

(SCOR, 3rd Year,
Mtg. No. 227 pp. 31-32)

47. Syrian Proposal

Mr. EL-KHOURI (Syria) on Pakistan's Requirement of Longer Time

Mr. EL-KHOURI (Syria): I think it would be just and fair to grant the representative of Pakistan a longer time in order to prepare a statement similar to the one we heard today. This statement should also be distributed among us, so that we may study it, just as we have been studying the statement of the representative of India. I do not believe that these few working hours between today and tomorrow will be sufficient for the preparation of such a statement. I see no objection to granting a delay until Monday morning.

(SCOR, 3rd Year,
Mtg. No. 227 p. 31)

48. United Kingdom's Proposal

Speech of Sir Philip Noel Baker (U.K.) on Pakistan's Requirement of Longer Time

There is a possible compromise between tomorrow and Monday —namely, Saturday. I do not know whether that would give the representative of Pakistan the time which he desires. I have not the slightest wish to impede in any way his statement of the case or to deny to him any right or privilege which I personally think should be his. However, if it were possible for him to agree to Saturday, as has been said, the matter is urgent and it might be to the general advantage.

However, it would be much more serious if this case goes wrong. I venture to think that it would be an unhappy precedent to decide that a very urgent and very serious international

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question should not be dealt with on Saturday because of financial or budgetary considerations. The only consideration which appeals to me is the convenience and the rights of the representative of Pakistan.

(SCOR, 3rd Year,
Mtg. No. 227 pp. 32-33)

49. Speech of Pakistan's Representative Mr. Mohammed Zafrullah Khan Requiring Longer Time

As I have already indicated, I am entirely in the hands of the Security Council. Before I reply specifically to the question that the President has put to me, I should like to make one or two observations in connexion with what has been submitted by the representative of India.

So far as the Pakistan case itself is concerned, I shall have no difficulty in stating the attitude and desires of the Pakistan Government either tomorrow afternoon or Saturday morning, whichever is preferred. So far as dealing with the allegations contained in the statement which has been read to the Security Council just now is concerned, I should require a little more time in submitting an elaborate statement. If I had to speak merely from notes in dealing with either the Indian memorandum on Kashmir or even the statement which has been read to the Security Council, I believe I could do so either tomorrow afternoon or even Saturday morning.

With regard to the time which the Indian Government says it has very generously offered to Pakistan, I should like to make one or two observations. It says that it sent in at once a ciphered cable to the Pakistan Government which was a duplicate of its appeal to the Security Council. It indeed did so, and we are grateful to it for having sent in this ciphered cable. However, the Indian Government did omit to remember that when they sent this cable, they sent the text to the Pakistan Government in a cipher to which they knew—or ought to have known—the Pakistan Government did not possess the key.

We reminded them of that fact as soon as we received the ciphered telegram. They repeated their ciphered telegram to us—and in the same cipher, of which we had told them that we

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did not possess the key. It was only when we drew their attention a second time to our inability to decipher their telegram that they offered to dispatch—and they did dispatch, for which, again, we are grateful—to text to us by air mail.

So far as our case is concerned, I am ready to make my statement at any time—either tomorrow afternoon or Saturday morning. As to my dealing with the matters which have been raised in the statement by the representative of India, and dealing with them in a similar statement which the members of the Council might be able to follow as I read it out, I should require a longer time. I trust that the Council will make allowances if I am compelled to deliver that reply on the basis of my notes, without being able to submit a written statement.

I leave it to the Council to decide what I am to do. I can read my reply from notes tomorrow afternoon or Saturday morning; I can submit a written statement, if the Council so desires, by Monday morning.

(SCOR, 3rd Year,
Mtg. No. 227, pp. 33-34)

50. *USA's Proposal*

Mr. Austin's speech on Pakistan's Requirement of Longer Time

My Government believes that this is a matter of urgent importance but that, of course, no intemperate action should be taken by the Security Council either in point of time or in point of substance. Therefore, it seems to my delegation that the best procedure would be for the representative of Pakistan to present his initial statement or allegation tomorrow, reserving the right to complete his case at a later date.

In our judgement, that will at least place the views of both sides before the public and before the Security Council at approximately the same time, which is of some advantage from the point of view of the parties. Naturally, any progress that we can make is an advantage from the point of view of the Security Council. It is my impression that we should progress just as rapidly as we can. Therefore, I favour the idea of our recessing until tomorrow afternoon, at 2.30.

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The Council would agreed to adjourn and to meet again tomorrow. The next meeting will begin with a statement by the representative of Pakistan.

(SCOR, 3rd Year,
Mtg. No. 227, p. 34)

51. Letter dated 15 January 1948 from the Minister for Foreign Affairs of Pakistan addressed to the Secretary General Concerning the Situation in Jammu and Kashmir

I have the honour to forward the following documents:

Document I being Pakistan's reply to the complaint preferred by India against Pakistan under Article 35 of the Charter of the United Nations.

Document II a statement of disputes which have arisen between India and Pakistan and which are likely to endanger the maintenance of international peace and order. Pakistan being a member of the United Nations has the honour to bring these to the attention of the Security Council under Article 35 of the Charter of the United Nations.

Document III which contains a statement of the particulars of Pakistan's case with reference to both the matters dealt with in Documents I ane II.

2. It is requested that these documents may be placed before the Security Council and that the Security Council may be requested to deal with the complaint referred to in document II at the earliest possible date. It is further requested that all action required by the rules in connection with these Documents may kindly be taken as early as possible.

Zafrullah Khan
Minister of Foreign Affairs Government of Pakistan

Government of Pakistan

Document I

Pakistan's Reply to India's Complaint

1. The Government of India have under Article 35 of the

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Charter of the United Nations, brought to the notice of the Security Council the existence of a situation between India and Pakistan in which the maintenance of international peace and security is likely to be endangered. The situation in their view is due 'to the aid which the invaders consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the North-West are drawing from Pakistan for operations against Jammu and Kashmir State which acceded to the Dominion of India and is a part of India.' They have requested the Security Council 'to call upon Pakistan to put an end immediately to the giving of such assistance which is an act of aggression against India'. They have also threatened that if Pakistan does not do so, the Government of India may 'enter Pakistan territory in order to take military action against the invaders'.

2. The specific charges which the India Government has brought against Pakistan are:

(a) that the invaders are allowed transit across Pakistan territory;

(b) that they are allowed to use Pakistan territory as a base of operations;

(c) that they include Pakistan nationals;

(d) that they draw much of their military equipment, transport and supplies (including petrol) from Pakistan; and

(e) that Pakistan officers are training, guiding and otherwise helping them.

3. While the particulars of Pakistan's case are set out in Document III, the Pakistan Government emphatically deny that they are giving aid and assistance to the so-called invaders or have committed any act of aggression against India. On the contrary and solely with the object of maintaining friendly relations between the two Dominions the Pakistan Government have continued to do all in their power to discourage the tribal movement by all means short of war. This has caused bitter

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resentment throughout the country, but despite a very serious risk of large scale internal disturbances the Pakistan Covernment have not deviated from this policy. In circumstances which will be clear from the recital of events set out in Document III, it may be that a certain number of independent tribesmen and persons from Pakistan are helping the Azad Kashmir Government in their struggle for liberty as volunteers, but it is wrong to say that Pakistan territory is being used as a base of military operations. It is also incorrect that the Pakistan Government are supplying military equipment, transport and supplies to the 'invaders' or that Pakistan officers are training, guiding and otherwise helping them.

Government of Pakistan

Document II

Pakistan's Complaint Against India

1. For some time past a situation has existed between the Dominion of India and the Dominion of Pakistan which has given rise to disputes that are likely to endanger the maintenance of international peace and security. Under Article 35 of the Charter of the United Nations, the Government of Pakistan hereby bring to the attention of the Security Council the existence of these disputes and request the Security Council to adopt appropriate measures for the settlement of these disputes and the restoration of friendly relations between the two countries.

2. While the particulars of the background and circumstances out of which these disputes have arisen are set out in Document III, a brief statement of these disputes is:

(a) In anticipation of the award of the Boundary Commission set up under the Indian Independence Act, 1947, to effect a demarcation of boundaries between East and West Punjab and East and West Bengal, an extensive campaign of 'genocide' directed against the Muslim population of East Punjab, Delhi, Ajmer, and the States of Kapurthala, Faridkot, Jind, Nabha,

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Patiala, Bharatpur, Alwar and Gwalior, etc., was undertaken by the non-Muslim Rulers, people, officials, police and armed forces of the States concerned and the Union of India beginning in the month of June 1947 which is still in process. In the course of the execution of this well-planned campaign large numbers of Muslims—running into hundreds of thousands—have been ruthlessly massacred, vastly larger numbers maimed, wounded and injured and over five million men, women and children have been driven from their homes into neighbouring areas of Western Pakistan. Brutal and unmentionable crimes have been committed against women and children. Property worth thousands of millions of rupees has been destroyed, looted and forcibly taken possession of. Larger numbers of Muslims have, by extreme violence and the threat of violence, been compelled to make declarations renouncing their faith and adopting the Sikh or Hindu faith. Vast numbers of Muslim shrines and places of worship have been desecrated, destroyed or converted to degrading uses. For instance in the State of Alwar no single Muslim place of worship has been left standing. Among other results of this campaign, the most serious has been to drive into Western Pakistan territory over five million Muslims in an extreme condition of destitution, a very large proportion of whom are faced with death owing to privation, disease and the rigorous climate of Western Pakistan during the winter. Apart from the appalling volume of human misery and suffering involved, the economy of Western Pakistan has been very prejudicially affected by the incursion of these vast numbers of refugees. These events have established that the religion, culture and language of the 35 million Muslims within the Union of India, and indeed their very existence is in danger, as not only have the Government of India failed to provide adequate protection to the Muslims in areas which have been referred to above, but the police and the armed forces of the Union of India and the

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rulers of the States concerned, have actively assisted in the massacre and other atrocities committed upon the Muslim population.

(b) In September 1947, the States of Junagadh and Manavadar acceded to, as they were entitled to do under the agreed scheme of partition and the Indian Independence Act, 1947, and thus became part of Pakistan and entitled to the benefits of the standstill agreement between Pakistan and India. As soon as the accession was announced India started a war of nerves against these two States and certain other smaller States in Kathiawar, whose intention to accede to Pakistan was well known. A so-called 'provisional' Government of Junagadh was set up in Bombay with the connivance of the Government of India and the active aid of its officials and later transferred its headquarters to Rajkot in Kathiawar where it proceeded to occupy forcibly property belonging to the Junagadh State and ejected Junagadh officials therefrom. The forces of the Indian Union, along with the forces of certain Hindu States in Kathiawar in accession with the Indian Union invested the State of Junagadh in all directions on the landward side and rendered it practically impossible for the State authorities and for the Muslim population of the State to hold any communication with the outside world through normal channels. The running of Junagadh railways and the postal and telegraph services of the State *vis-a-vis* the rest of the country were virtually put an end to. By the adoption of various devices a State of panic was created inside the State, the object of which was to bring the administration to a standstill. Eventually the forces of the Indian Union marched into the State under the excuse of an alleged invitation from the Dewan (Prime Minister) of the State. With the entry of these forces into the State was inaugurated an orgy of massacre and loot directed against the Muslim population of the State. A reign of terror was thus set up which still continues.

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This action on the part of the Government of India amounted to a direct attack upon and aggression against Pakistan which Pakistan was entitled to repel by force. Pakistan, however, refrained from taking military action in the hope that the situation could be satisfactorily resolved by conciliatory means. This hope has, in spite of a continued series of protests and representations by Pakistan proved vain. If the situation is not now firmly handled and satisfactorily resolved there would be no course left open to Pakistan but to take appropriate military action to clear these States of India's armed forces and to restore the States to their lawful rulers.

(c) The State of Jammu and Kashmir, which on the South and West is contiguous to Western Pakistan and has a Muslim population of nearly 80 per cent and a Hindu ruler, entered into a standstill agreement with Pakistan in the latter half of August 1947. The territory of the States was purchased by the great grandfather of the present Ruler from the East India Company in 1846 for 7.5 million rupees and ever since the Muslim population of this State has been oppressed and exploited by its Hindu Dogra Rulers. On several occasions the Muslim population has risen in rebellion against its oppressors, but these risings have always been mercilessly suppressed. The Maharajah was thus aware that any attempt by him to accede to the Union of India would not be tolerated by his people and would provoke violent reactions and uprisings throughout the State which he would be unable to control with the help of his own forces. Apparently he entered into the standstill agreement with Pakistan to secure his communications, all of which ran through Pakistan, and also a continuation of his supplies which could only be moved through Pakistan. The State obtained a narrow outlet into East Punjab and thus into the Union of India as the result of the most unfair and unjust Boundary Award of Sir Cyril Radcliffe. The

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Maharajah's own desire, as subsequent events have proved beyond a doubt, was to accede to the Union of India, but he dared not take that step for fear of the well-known attitude of the over-whelming majority of his people and the consequences to which such a step might expose him. The device adopted by him was to allay the feelings of his Muslim subjects by means of the standstill agreement and then to bring about a State of affairs which would furnish him with an excuse to call in the military aid of the Union of India and thus transfer to the Government of India the responsibility of dealing with his people. In order to carry this plan into effect massacres of the Muslim population of the State by armed bands of Sikhs and Hindus and by the forces of the Maharajah were started in the latter half of September and provoked risings of the Muslim population in different parts of the State. The tragic events and the happenings in East Punjab and the Sikh and Hindu States in and around that Province had convinced the Muslim population of Kashmir and Jammu State that the accession of the State to the Indian Union would be tantamount to the signing of their death warrant. When the massacres started the Muslim population of the State realized that the fate that had overtaken their co-religionists in Kapurthala, Faridkot, Nabha, Jind, Patiala, Bharatpur and Alwar, etc., was about to overtake them also. A wave of terror thus ran throuhout the State and the neighbouring districts of West Punjab and the North West Frontier Province. In their desperate situation the Muslim population of the State decided to make a final bid for liberty and indeed for their very existence, in which they had the full sympathy of their relations and fellow Muslims in the neighbouring districts of Pakistan. Several thousands of the Muslim people of the State, particularly in the area of Poonch, had served in support of the cause of the United Nations during the Second World War, and they decided to sell their lives

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dearly in the struggle with which they were now faced. The Maharajah made this the excuse to 'accede' to the Union of India and the Government of India thereupon landed its troops in the State without consultation with or even any notice to the Government of Pakistan with whom the State had concluded a standstill agreement and to the territories of which it was contiguous throughout practically the whole of its southern and western border. The Pakistan Government made several efforts to bring about an amicable settlement of the situation but everyone of these was rejected by the Maharajah and the Government of India. In the meantime the Muslim population of the State are being subjected to an intensified campaign of persecution and oppression in areas which are in the occupation of the Indian forces.

The Muslim population of the State have set up an Azad (Free) Kashmir Government, the forces of which are carrying on their fight for liberty. It is possible that these forces have been joined by a number of independent tribesmen from the tribel areas beyond the North West Frontier Province and persons from Pakistan including Muslim refugees from East Punjab who are nationals of the Indian Union.

The allegation made by the Indian Government that the Pakistan Government is affording aid and assistance to the Azad Kashmir forces, or that these forces have bases in Pakistan territory, or that these forces are being trained by Pakistan officers, or are being supplied with arms or material by the Pakistan Government are utterly unfounded.

On the contrary, armed bands from the State have repeatedly carried out incursions and raids into Pakistan territory and the air force of the Indian Union has on several occassions bombed Pakistan areas causing loss of life and damage to property. Protests made by the Pakistan Government to India have passed unheeded. Attacks by units of the Indian Air Force over Pakistan

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territory have been described as due to errors of judgement. These attacks still continue.

It has been announced by the Government of India that it is their intention after restoring 'order' in the State to carry out a plebiscite to ascertain the wishes of the people in the matter of the accession of the State to India or to Pakistan. Anybody having the most superficial knowledge of the conditions that have prevailed in the State during the last 100 years would not hesitate to affirm that a plebiscite held while the Sikh and Hindu armed bands and the forces of the Union of India are in occupation of the State and are carrying on their activities there, would be no more than a force. A free plebiscite can be held only when all those who have during the last few months entered the State territory from outside, whether members of the armed forces or privates have been cleared out of the State, and peaceful conditions have been restored ueder a responsible, representative and impartial administration. Even then care must be taken that all those that have been forced or compelled to leave the State since the middle of August 1947 are restored to their homes as it is apprehended that in the Jammu Province and elsewhere whole areas have been cleared of their Muslim population.

(d) Ever since the announcement of the decision to carry out a partition of the sub-continent of India into Pakistan and India, those responsible for giving effect to the decision on behalf of India have adopted an attitude of obstruction and hostility towards Pakistan, one of the objects being to paralyse Pakistan at the very start by depriving it of its rightful share of financial and other assets. Even in cases in which agreement was reached the implementation thereof was either delayed or sabotaged altogether. This has been illustrated conspicuously by India's failure to implement the clauses of the settlement arrived at between Pakistan and India

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early in December 1947 and announced on 9 December, comprising the division of milltary stores, cash balances and other matters. Particulars of some of the instances in which obligations are set out in paragraphs 26 to 29 of Document III.

(e) In its complaint preferred to the Security Council under Act 35 of the Charter of the United Nations India now threatens Pakistan with direct attack.

3. To sum up, Pakistan's complaint against India is:

(i) that India has never wholeheartedly accepted the partition scheme and has, since June 1947, been making presistent attempts to undo it;

(ii) that a pre-planned and extensive campaign of 'genocide' has been carried out, and is still in progress against Muslims in certain areas which now form part of the Indian Union, notably East Punjab, Delhi, Ajmer, and the States of Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar, and Gwalior, etc., which are in accession with India, by the non-Muslim Rulers, people, officials, police and armed forces of the States concerned and of the Union of India;

(iii) that the security, freedom, well-being, religion, culture and language of the Muslims of India are in serious danger;

(iv) that Junagadh, Manavadar and some other States in Kathiawar, which have lawfully acceded to Pakistan and form part of Pakistan territory have been forcibly and unlawfully occupied by the armed forces of the Indian Union and extensive damage has been caused to the life and property of the Muslim inhabitants of these States, by the armed forces, officials and non-Muslim nationals of the Indian Union;

(vi) that India obtained the accession of the States of Jammu and Kashmir by fraud and violence and that large scale massacre and looting and atrocities on the

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Muslims of Jammu and Kashmir State have been perpetrated by the armed forces of the Maharajah of Jammu and Kashmir and the Indian Union and by the non-Muslim subjects of the Maharajah and of the Indian Union;

(vi) that numerous attacks on Pakistan territory have been made by the Royal Indian Air Force, by armed bands from the Indian Union and the State of Jammu and Kashmir;

(vii) that India has blocked the implementation of agreements relating to or arising out of partition between India and Pakistan including the withholding of Pakistan's share of cash balances and military stores;

(viii) that under pressure from the Government of India, direct or indirect, the Reserve Bank of India is refusing to honour to the full its obligations as Banker and Currency Authority of Pakistan, and that such pressure is designed to destory the monetary and currency fabric of Pakistan;

(ix) that India now threatens Pakistan with direct military attack; and

(x) that the object of the various acts of aggression by India against Pakistan is the destruction of the State of Pakistan.

4. The Pakistan Government request the security Council:

(i) to call upon the Government of India:

(a) to desist from acts of aggression against Pakistan;

(b) to implement without delay all agreements between India and Pakistan including the financial settlement arrived at between India and Pakistan and announced on 9 December 1947, with regard to the division of the cash balances and military stores of the pre-partition Government of India and other matters;

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(c) to desist from influencing or putting pressure directly or indirectly on the Reserve Bank of India in regard to the discharge of its functions and duties towards Pakistan;

(ii) to appoint a Commission or Commissions:

(a) to investigate the charges of mass destruction of Muslims in the areas now included in the Indian Union, to compile a list of the Rulers, officials, and other persons guilty of 'genocide' and other crimes against humanity and abetment thereof, and to suggest steps for bringing these persons to trial before an international tribunal;

(b) to devise and implement plans for the restoration to their homes, lands and properties of Muslim residents of the Indian Union who have been driven out of or have been compelled to leave, the Indian Union and seek refuge in Pakistan, to assist in the relief and rehabilitation of such refugees; to secure the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them and to take effective steps for the future security, freedom and well-being of Muslims in India and for the protection of their religion, culture and language;

(c) to arrange for the evacuation from Junagadh, Manavadar and other States of Kathiawar which have acceded to Pakistan of the military forces and civil administration of the Indian Union and to restore these States to their lawful Rulers;

(d) to assist the restoration to their homes, lands and properties of residents of the States referred to in (c) who have fled from, or have been driven out of such States, and for payment of compensation by the Indian Union for loss or damage caused by the unlawful actions and activities of the military

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forces, civil officials and nationals of the Indian Union in these States;

(e) to arrange for the cessation of fighting in the State of Jammu and Kashmir; the withdrawal of all outsiders whether belonging to Pakistan or the Indian Union including members of the armed forces of the Indian Union; the restoration and rehabilitation of all Muslim residents of the Jammu and Kashmir State as on 15 August 1947, who have been compelled to leave the State as a result of the tragic events since that date, and the payment to them by the Indian Union of due compensation for the damage and injuries suffered by them; to take steps for the establishment of an impartial and independent administration in the State of Jammu and Kashmir, fully representative of the people of that State; and thereafter to hold a plebiscite to ascertain the free and unfettered will of the people of the Jammu and Kashmir State as to whether the State shall accede to Pakistan or to India; and

(f) to assist in and supervise the implementation of all agreements arrived at between India and Pakistan in pursuance of the decision to partition the sub-continent of India and to resolve any differences in connection therewith.

5. In conclusion the Pakistan Government wish to assure the Security Council and the Government of India of their earnest desire to live on terms of friendship with India and to place the relations between the two countries on the most cordial, co-operative and friendly basis. This happy State of affairs so earnestly desired by Pakistan can only be achieved through a just and satisfactory settlement of the differences that at present unfortunately divide the two countries. Any attempt to settle any of these questions in isolation from the rest is bound to end in frustration and might further complicate a situation already delicate and full of explosive possibilities. Friendly and cordial relations can only be restored by the

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elimination of all differences that are at present generating friction and causing exacerbation. The disputes to which the attention of the Security Council has been drawn in this document are all interrelated and are specific manifestations of the spirit that is poisoning the relationship between the two countries. The restoration of this relationship to a healthy and munificent State depends entirely upon a just and fair settlement of every one of these disputes being simultaneously achieved. Pakistan hopes and trusts that this will be secured as speedily as possible through the Security Council.

Document III

Particulars of Pakistan's Case

1. The Pakistan Government are glad that the Government of India have chosen to make a reference to the Security Council. In fact they have for some time been of the view that this is the only feasible method of peacefully settling the differences between the two countries. They have already unsuccessfully tried over a period of many months to seek a solution of the disputes between the two Dominions by the methods described in Article 33 of the Charter.

2. India has chosen to confine the reference to the Security Council to one single aspect of the Kashmir question which ignores the basic and fundamental issues affecting the State of Jammu and Kashmir. But even the Kashmir episode in all its aspects is but one link in the chain of events which has been unfolding itself ever since it became obvious that there was no solution of the Hindu-Muslim problem except the partition of India. A reference to the Security Council must therefore cover much larger ground and embrace all the fundamental differences between the two Dominions.

3. The story begins as early as the middle of 1946 following the demonstration of Muslim solidarity throughout the country after the last Provincial elections. It then became clear that the achievement of Pakistan was the unalterable goal of the Muslims. The inevitability of the partition of the country which

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now became evident gave rise to a wave of deep resentment among the Hindu and Sikh population of the sub-continent. As a direct result of this severe communal rioting occurred in several towns and provinces of India such as Calcutta, Noakhali, Bihar, Bombay, Garhmukteshwar, Rawalpindi, Lahore and Amritsar. Such communal strife had not been unknown previously, but what was astonishing was the unprecedented scale of killings that took place in Bihar and Garhmukteshwar proving beyond doubt the existence of a well-settled plan of extermination of the Muslims. It was during these disturbances that the Rashtriya Sewak Sangh came to be known as the author of some of the most brutal massacres. The orgy of blood, however, died down in due course, but, as later events proved only temporarily.

4. The political activity which took place in the early part of 1947 produced a lull, but soon after the partition plan was announced on 3 June 1947, clear indications began to be received that the country was going to be plunged into a blood bath by the fanatical Sikhs and the militant Hindu groups headed by the Rashtriya Sewak Sangh who had made no secret of their opposition to the partition scheme, in spite of its being acceded by the representatives of all the three major communities.

5. The preparations which the Sikhs were making for creating large scale disturbances were known to the authorities, and in fact the Sikh leaders made no secret of them. So overwhelming was the evidence that the Viceroy was compelled to warn the Maharajah of Patiala, Master Tara Singh and the other Sikh leaders, that strong action would be taken against them. At a meeting which the Viceroy had in the beginning of July 1947 with Congress and Muslim League leaders and members of the Interim Government it was decided to arrest immediately prominent Sikh leaders including Master Tara Singh and Udham Singh Nagoke. These arrests were however postponed on one ground or another and the Sikh plan was allowed to be put into operation with a carefully prepared attack on a special train carrying Pakistan Government employees and their families from Delhi to Karachi on 9 August 1947.

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6. As the plan unfolded itself it became clear that the Sikhs encouraged and actively assisted by the Hindus and determined to liquidate by violent and bloody means the entire Muslim population of East Punjab. The object of the plan was to kill or drive out Muslims in order to settle in their place the Sikh population which was being pulled out of East Punjab under a planned scheme. The *modus operandi* was to disarm the Muslim population and then to leave it at the mercy of armed bands who were actively assisted by the Army and police. There is abundant evidence that this plan had the full support and active assistance not only of the officers of the East Punjab Government but also of the Sikh States such as Patiala, Kapurthala, and Faridkot. Months before the partition of the country in August 1947, Alwar and Bharatpur had set the example in liquidating their entire Muslim population by massacres, forced conversions on a mass scale and by driving out the rest. Patiala, Faridkot, Jind, Kapurthala, in fact, all the Hindu and Sikh States in the East Punjab followed this example with added atrocities and fresh horrors. Malerkotla, a small neighbouring State in the East Punjab, which has a majority of non-Muslims in the population and a Muslim Ruler provides a refreshing contrast since there has been no disturbance of any kind in that State and the non-Muslim population has been perfectly safe. On the other hand, Kapurthala which like Kashmir and a majority of Muslims in the population with a non-Muslim Ruler has today hardly any Muslims left. Similarly large tracts of Muslim majority areas which under the Boundary Award had been most unjustly included in East Punjab were cleared of Muslims by massacres, forced conversions and expulsions. The whole country was ravaged by fire and sword, vast numbers were butchered and countless women were abducted. Indeed, decency forbids mention of some crimes committed against women. Millions were forcibly and ruthlessly driven out of their home. The process went on sector by sector and culminated in the tragedy that was enacted in Delhi, the capital of India. According to the Government of India themselves there was a breakdown of administration in the capital for a number of days. The destruction and desecration

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of mosques, tombs and holy places and forcible conversions on a mass scale were special features of these happenings. In Alwar for example every mosque has been destroyed.

7. While this vast scheme of 'genocide' was being put into execution in East Punjab and neighbouring areas the Pakistan Government made repeated efforts to persuade the Union of India to arrest its course. A number of conferences were held between the two Dominions almost invariably at the instance of the Pakistan Government but while lip-service was paid to the necessity of restoring order no serious effort was made by the Indian Government to implement their promises. In fact it became clear that they were determined to leave no Muslims in East Punjab. The Pakistan Government appealed to the Goverments of the British Commonwealth to arrange a conference to find ways and means of removing this serious threat to the peace and security of the sub-continent but the Indian Government opposed this proposal on the ground of outside interference. The Pakistan Government also proposed that United Nations observers should immediately visit the disturbed areas but this too was opposed by India.

8. This plan of liquidation of the Muslim population is still proceeding despite the pious professions of the Government of India. The latest example of this is provided by the happenings in the holy city of Ajmer, about which the Government of Pakistan had warned the India Government some weeks ahead. In this connection the Government of Pakistan find it difficult to believe that the Government of India are innocent of complicity in this vast scheme of 'genocide' started by the Sikhs and Hindus and encouraged and supported by persons in authority as a means of destroying the newly created State of Pakistan. This is amply supported by the speeches and declarations of Hindu and Sikh leaders. The Muslims of India are being subjected to calculated insults and humiliations and pressure is being brought on them by prominent Hindu leaders including Premiers of Provinces to renounce their language and culture. All sorts of tests of loyalty are being demanded from them. The one on which particular emphasis is laid is that they should denounce Pakistan and try to undo the partition

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and express their readiness to fight Pakistan on the side of India in the event of war between the two Dominions, which last is an indication of the future intentions of the Government of India. It is a matter of deep regret that even today responsible members of the Government of India, including the Prime Minister, openly declare their intention or hope of bringing Pakistan back into the Indian Union, well knowing that this can be done only through conquest by arms. The Pakistan Government have pointed out many times to the India Government that speeches and statements of this nature are calculated to excite and provoke the Muslims and thus impair friendly relations between the two countries; but these representations have had no effect. Such an attitude can only mean that the Hindu and Sikh leaders while giving their agreement to the partition plan did so without any intention of permitting its implementation and, further, that India is determined to undo the settlement by all means at its disposal. In other words, Pakistan's very existence is the chief *casus belli* as far as India is concerned.

9. The events which took place following the announcement of the accession of Junagadh and Manavadar States to Pakistan lend further support to the contention of the Pakistan Government that the Government of India intend by all possible means at their disposal to destroy Pakistan.

10. In accordance with the agreed scheme of partition and the Indian Independence Act, 1947, Indian States were under no compulsion to accede to either of the two Dominions. Notwithstanding this clear provision the Government of India by a combination of threats and cajolery forced a number of States into acceding to the Indian Union. The Rulers of Junagadh and Manavadar were similarly threatened but they stood firm and acceded to Pakistan. This was the signal for India to launch with full force its attack, using every possible weapon in order to force the States, against their will, to change their affiliations. Protests were made to the Pakistan Government, pointing out that a State which had a Hindu majority population could not accede to Pakistan, as the country had been divided on a communal basis. Another reason given was

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that Junagadh, though accessible from Western Pakistan by a short sea passage, was not physically contiguous to Pakistan and that its accession to Pakistan was calculated to cause disruption in the integrity of India. Simultaneously with these protests, the Government of India put large bodies of Indian troops on the border of Junagadh and encouraged the neighbouring Hindu States, which had acceded to India, to do likewise. In clear violation of the standstill agreement the Junagadh State was subjected to an economic blockade involving stoppage of all vital supplies, including food, cloth and coal into the State territory. Lines of communication including railway and telegraph were operated in such a manner that it became virtually impossible for the State or the Muslim population of Junagadh to communicate with the outside world by the usual means. A strong press campaign calculated to destroy the morale of the State administration and to create panic among the population was launched both inside and outside the State.

11. Another line of attack was adopted by setting up a 'provisional government' with headquarters first at Bombay and later at Rajkot, which claimed the right to liberate the non-Muslim population of Junagadh State. The so-called 'Azad Fouj' of the provisional government was created and armed by the men and officers of the Indian Dominion. The 'provisional government' not only proceeded to seize by force State property in Rajkot but by violent means created conditions in which it became impossible for the State administration to function. At this point the Government of India sent their troops and occupied the State under the plea of an alleged 'invitation' by the Dewan. Since then an orgy of murder, arson, rape and loot has been let loose against the Muslims in the State by the military forces of India in exactly the same manner as in Northern India and Muslims have had to flee from the State. It should be added that as long as the State was under the administration of the Nawab, there was no molestation of any section of the population whatever. According to newspaper reports Mr. Samaldas Gandhi, the head of the so-called provisional Government, has openly thanked the Deputy Prime Minister of India for the assistance received. All this was done

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in utter disregard of the international code of conduct and ordinary neighbourly decency. In the interest of peace between the two Dominions Pakistan refrained from sending a single soldier to Junagadh. Occupation by force of Junagadh which is Pakistan territory. is a clear act of aggression against Pakistan. Pakistan is entitled to sent its forces into Junagadh to clear out the invading forces of India by military action and in the event of the present position continuing would be under the necessity of taking such action in discharge of its obligation to the Ruler and the people of Junagadh, as under the terms of the Instrument of Accession executed between Junagadh and Pakistan 'Defence' is an obligation of Pakistan.

12. In the case of Manabadar not enven the flimsiest show of justification was considered necessary and the State was taken under military occupation without any explanation being offered. A similar fate befell the Talukadari State of Sardargarh, Bantva, Sultanabad and Mangrel. The unfortunate Rulers of some of these States have been kept in detention and have been subjected to considerable pressure to wean them from their affiliation to Pakistan.

13. Kashmir provides the culminating illustration of the hostility of the India Government to Muslims and Pakistan and their determination to satisfy their imperialistic ambition of rule over the entire sub-continent by fascist tactics and use of naked force.

14. The State of Jammu and Kashmir was purchased by the great grandfather of the present Hindu Dogra Maharajah from the East India Company in 1846 for the paltry sum of 7.5 million rupees. Nearly 80 per cent of the population of the State is Muslim but the administration, civil and military, is almost entirely in the hands of non-Muslims. The administration has been notoriously oppressive and retrograde and the Muslim population has been kept in a State of abject poverty and misery.

15. On the 15th August 1947 Jammu and Kashmir State like other States was free to accede or not to accede to either Dominion. It entered into a standstill agreement with Pakistan

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under which *inter alia* the administration of post and telegraph services was entrusted to Pakistan. Since all the natural outlets of the State fall into Pakistan all outside supplies reached the State through Pakistan.

16. In view of the communal composition of the population of the Stae and the continuous oppression and degradation to which they had throughout the period of Dogra rule been subjected, against which they had risen a number of times, it was perfectly obvious to the Maharaja that any attempt made by him to accede to the Union of India and thus to perpetuate the slavery of the overwhelming Muslim population of his State to Hindu rule would immediately provoke a widespread and violent uprising which he would be utterly unable to withstand with the help of his own forces. He, therefore, chose to enter into a standstill agreement with Pakistan which served for the time being to allay the uneasiness of the Muslim population of the State and led them to hope that the standstill agreement would eventually ripen into full accession. This was, however, only a device on the part of the Maharajah to gain enough time within which to create conditions which would furnish him with a plausible excuse to call in the forces of the Indian Union so that after trampling down all popular opposition with their help he might be able to accomplish his desire of acceding to the Union of India, thus putting upon the latter the responsibility to deal with his rebellious people.

17. During September 1947 disturbing news of repression and massacres of the Muslims of the State by the Sikh armed bands and Rashtriya Sewak Sangh assisted by the Hindu Dogra police and army of the State started reaching Pakistan through Muslim refugees who sought asylum in Pakistan. Soon the number of refugees swelled and it became obvious that the happenings of the East Punjab and the States like Patiala and Kapurthala were being re-enacted in Jammu and Kashmir. At the same time the number of raids by armed bands from the State territory into Pakistan increased. The Pakistan Government repeatedly tried to discuss these questions with the Kashmir Government as well as the complaints of the Kashmir

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Government regarding supplies which owing to the breakdown of communications in the Punjab were not reaching the State in full. The Pakistan Government sent a representative of their Ministry of Foreign Affairs to Srinagar to discuss these matters with the State, but Mr. Mahajan who had taken over charge as Prime Minister of the State on 15 October, refused to hold discussions with him and he had to return. On the very day that Mr. Mahajan took over charge he addressed a telegram to the Prime Minister of Pakistan threatening that unless Pakistan agreed to an impartial enquiry into the matters in dispute between the two states he would be compelled to ask for outside assistance. The Prime Minister of Pakistan at once accepted the proposal for an impartial enquiry and asked the Prime Minister of Kashmir to nominate a representative for this purpose. The Government of Kashmir made no further reference to this matter. On 18 October, the Prime Minister of Kashmir in a communication to the Governor-General of Pakistan repeated his charges against Pakistan and concluded it by saying that he wished to make it plain that the attitude of the Government of Pakistan could be tolerated no longer and that he would be justified in asking for outside assistance. On 20 October, the Governor-General replied calling attention to the repeated attempts of Pakistan to maintain friendly relations with Kashmir and invited the Prime Minister of Kashmir to come to Karachi and talk things over with him. The Governor-General also pointed out that the threat to call outside help amounted almost to an ultimatum and showed that the real aim of the Kashmir Government's policy was to seek an excuse to accede to the Indian Union. In the opinion of the Government of Pakistan the course of these negotiations clearly shows that the Kashmir Government had never any intention of maintaining friendly relations with Pakistan and that, at any rate, as early as 15 October, they had made up their minds to call in outside assistance in concert with the Government of India.

18. Meanwhile, the repression of Muslims in the State was increasing in intensity. Repression was followed by resistance particularly in the area of Poonch, which includes in its population 65,000 ex-soldiers who fought for the United Nations

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during the last world war. The resistance in its turn was sought to be put down with severer oppression until the Dogra savagery supported by the brutality of Sikhs and Rashtriya Sewak Sangh created a reign of terror in the State. In sheer desperation the Muslim population of the State broke out into open revolt in several areas and declared their independence of the Maharajah. Many of them were ruthlessly cut down and acts of indescribable horror were perpetrated by the Dogra forces of the Maharajah assisted by the Sikhs and the Rashtriya Sewak Sangh. This State of affairs naturally aroused strong feelings of sympathy throughout Pakistan where the presence of millions of Muslim refugees from East Punjab (nationals of the Indian Union) and Indian States, was an ever constant reminder of the fate which was about to overtake the Muslims of Kashmir. Consequently, some of these refugees and other Muslims from contiguous areas who had numerous ties of relationship with the persecuted Muslims of the State, went across to assist their kinsmen in the struggle for freedom and indeed for existence itself. It is to be noted that the first outside incursion into the State occurred more than a week after the Prime Minister of Kashmir had threatened to call in outside assistance. It is clear that the sole responsibility for these events must rest on the Maharajah's Government who ordered the oppression of the Muslims as a matter of State policy on the model of what had happened in East Punjab and States like Patiala, Bharatpur, Alwar, etc. In conspiracy with the Indian Government, they seized upon this incursion as the occasion for putting into effect the pre-planned scheme for the accession of Kashmir as a *coup d'etat* and for the occupation of Kashmir by the Indian troops simultaneously with the acceptance of the accession by India. The Pakistan Government have not accepted and cannot accept the accession of Jammu and Kashmir State to India. In their view the accession is based on violence and fraud. It was fraudulent in as much as it was achieved by deliberately creating a set of circumstances with the object of finding an excuse to State the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State. The accession was against the

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well-known wishes of an overwhelming majority of the population and could not be justified on any grounds whether moral, constitutional, geographical, economic, cultural or religious.

19. For some time past the India Government have been engaged in misleading the world as to the true wishes of the people of Kashmir by playing up the National Conference and its leader Sheikh Abdulla. Sheikh Abdulla had been sentenced by the Maharaja's Government in 1946 to a long term of imprisonment on a charge of treason. He was released early in October 1947 as part of the plan to accede to India. On the other hand, the true leaders of the Muslims of the State whose only representative organization is the Muslim Conference are kept in jail on technical grounds. Their real offence is that being the true representatives of the majority of Muslims of the State they favour the accession to the State of Pakistan.

20. If the Government of India had extended to the Pakistan Government the courtesy of consulting them before embarking on their enterprise and suddenly landing troops in Kashmir, or even notifying Pakistan of their proposed action thus providing an opportunity for discussion and consulation, it might have been possible to avert the tragedy of Kashmir. The events following the forcible occupation of the State by the Indian troops more than confirmed the worst fears of the Muslims. Massacres, atrocities and crimes against women, were now committed on a scale surpassing anything which the Maharaja's forces had previously perpetrated. Jammu Province which had a majority of Muslims has today very few Muslims left in areas in the occupation of the Indian forces. The condition created by the military intervention of the Government of India served to swell the torrent of popular resentment in Pakistan to an uncontrollable degree.

21. In view of this background it is not surprising if independent tribesmen and persons from Pakistan, in particular the Muslim refugees (who, it must be remembered, are nationals of the Indian Union) from East Punjab are taking part in the struggle for the liberation of Kashmir as part of the forces of the Azad Kashmir Government. In regard to the

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modern military equipment which is alleged to be in the possession of the Azad Kashmir Forces, to the best of the information of the Pakistan Government, these forces are poorly equipped and such few modern weapons as they possess have either been captured from the Dogras and Indian troops or have been in their possession since the days of the British. The Pakistan Government emphatically repudiate the charge that they have supplied military equipment, transport and supplies to the 'invaders' or that Pakistan Officers are training, guiding and otherwise helping them.

22. The military resistance of Azad Kashmir has no doubt come as an unpleasant surprise to the Indian Government who appear to have underestimated the valour and patriotism of a people stirred to their depths by the horrors perpetrated upon them and their co-religionists in certain parts of the Indian Union. The character of the terrain, the climate, the familiarity of the Azad Kashmir Forces (the bulk of whom are drawn from the State) with the country in which they are operating, their military traditions and the military skill acquired by them during their fight on the side of the United Nations have all combined to nullify to a large extent the vastly superior equipment of the Indian forces.

23. This recital of the events in Kashmir would be incomplete without a statement of the many efforts made by the Pakistan Government to reach a peaceful settlement of this question. Immediately after the intervention of the Government of India in Kashmir on 27 October the Governor-General of Pakistan arranged a conference to be attended by the two Governors-General, the two Prime Ministers of the Dominions and the Maharaja and Prime Minister of Kashmir. This conference fell through owing to the indisposition of Pandit Jawaharlal Nehru, the Prime Minister of India. A second meeting was arranged for 1 November but again at the last minute Pandit Nehru could not come and only the Governor-General of India came. During the discussion with the Governor-General of India, the Governor-General of Pakistan but forward the following proposals:

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(i) to put an immediate stop to fighting, the two Governors-General should be authorised and vested with full powers by both Dominion Governments to issue a proclamation forthwith giving forty-eight hours' notice to the two opposing forces to cease fire. Governor-General of Pakistan explained that he had no control over the forces of the Azad Kashmir Government or the independent tribesmen engaged in the fighting but that he would warn them in that if they did not obey the order to cease fire immediately the force of both Dominions would make war on them.

(ii) Both the forces of the India Dominion and the outside 'invaders' to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory.

(iii) With the sanction of the two Dominion Governments the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State and arrange for a free plebiscite without delay under their joint control and supervision.

24. No reply was received to these proposals for many days. On 2 November, however, the Prime Minister of India made it clear in a broadcast that the India Government intended to force a decision by military action and to continue their occupation and the puppet administration set up by them. The plebiscite which he has announced would be held after the complete subjugation of the State of the Indian armed forces is bound to be no more than a force and must result in the permanent occupation of the State by India which is the aim of the India Government. All subsequent discussions between the two Dominions have proved fruitless owing to the insistence of India on keeping their troops in the State and their refusal to agree to an impartial administration as the pre-requisite of a free and unfettered plebiscite. The Pakistan Government suggested as early as 17 November that the whole matter including the retention of troops, the character of the interim administration and the holding of the plebiscite should be

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entrusted to the United Nations but India Government refused to accept this proposal.

25. While Pakistan is doing its best to maintain peaceful relations with India, there have been many attacks on Pakistan territory by armed bands from Jammu and Kashmir State Territory supported by the forces of the Maharaja and those of the Indian Union. The Pakistan Government have sent repeated representations to the India Government on the subject but without any effect. The Royal Indian Air Force has also made numerous attacks on Pakistan territory causing considerable damage to life and property. The protests of the Pakistan Government have only elicited the assertion by the Government of India that these are minor incidents due to errors of judgement by Indian airmen. The attacks have, however, continued to be persisted in.

26. India's treatment of Pakistan in respect of administrative, economic and financial matters indicates the same attitude of hostility towards Pakistan. The process of partition itself was punctuated by all manner of obstructions aimed at depriving Pakistan of its rightful share of financial and other assets, and even in cases in which agreement was reached the implementation was delayed or sabotaged. A large number of instances can be quoted in support of this statement but it will suffice to mention the following:

(i) division of military stores;

(ii) division of cash balances;

(iii) Interference with the Reserve Bank so as to destroy the monetary and currency fabric of Pakistan.

27. To supervise the division of armed forces and military stores a Joint Defence Council was set up consisting of Lord Mountbatten, Governor-General of India, as Chairman, representatives of the two successor authorities—India and Pakistan—and Field-Marshal Auchinleck, the Supreme Commander, as impartial authority to implement the decisions of the Joint Defence Council. It was estimated that the Supreme

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Commander would be able to complete his task by 31 March 1948. Within a very short time of the setting up of the Supreme Command, India created so hostile an atmosphere in Delhi that the Supreme Commander found it impossible to discharge his responsibilities and was forced to recommend the abolition of his headquarters long before he had completed his task. In spite of the protest of Pakistan, the Government of India succeeded in doing away with this impartial organization which could have ensured equitable distribution of the stores and proper recorganization of the armed forces. The India Government pledged their word at the time that Pakistan would get its due share of military stores. These assurances were supported by Lord Mountbatten who at a meeting of the Joint Defence Council held on 8 November stated that he believed that in view of the unanimous endorsement given by the Indian Cabinet to the pledge that India would deliver to Pakistan the letter's full share of stores, Pakistan's principal objection had been met. This pledge like other similar pledges of the India Government has not been honoured and the slight trickle of military stores to Pakistan shows signs of stopping altogether.

28. The story of the division of cash balances is even more illustrative of the attitude of the Government of India. The cash balances of the undivided Government of India on 14 August 1947 were four-thousand million rupees. Pakistan representatives demanded that out of these one-thousand million rupees should be handed over to Pakistan as its share. Since the matter could not be settled it was decided to refer the case to the Arbitral Tribunal. In the beginning of December 1947, however, all outstanding cases which had been referred to the Arbitral Tribunal were settled by agreement between the two Dominions and Pakistan's share of the cash balances was fixed at 750 million rupees. This financial settlement was reached on its own merits and was in no way linked with the Kashmir question or any other issues. Nevertheless India has since refused to hand over the amount until the Kashmir question is settled. India's action is made possible only by the fact that the Reserve Bank of India, which holds the cash

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balances, is controlled and dominated by the India Government and is not functioning as it should, as a trustee of both the Dominions.

29. According to the arrangements agreed to at the time of Partition, the Reserve Bank of India was to act as Banker and Currency Authority both for the Indian Union and Pakistan. As it was realised that it would take some time for Pakistan to establish its own currency and Banking Authority and to substitute its own currency for the common currency of the pre-partition India which is in use all over the sub-continent, it was agreed that Pakistan's own currency should commence 'coming into use from 1 April 1948, but that a separate currency authority should be set up by Pakistan by 1 October 1948.' On the suggestion of the Reserve Bank made before the partition, it was agreed that:

(a) so long as there were notes available in the Banking Department, Pakistan should be freely allowed ways and mens advances on payment of interest at one-half per cent and the only limitation on these ways and means advances would be the availability of notes in the Banking Department; and

(b) that when ways and means advances were needed by Pakistan to meet its requirements which could not be otherwise met out of its cash balances or ways and means advances, Pakistan should be able to have its currency expanded against its own *ad hocs*. The limit for such *ad hocs* was fixed at 30 million rupees. It was agreed as a part of financial settlement between India and Pakistan announced on 9 December 1947, that India would not object to the removal of this top limit if the Reserve Bank did not raise any objection. Such *ad hocs* were to be retired against the Pakistan share of the assets of the Reserve Bank in its issue Department.

Under pressure from the Government of India, direct or indirect, the Reserve Bank is now refusing to honour to the full its obligations. This pressure is continuing and is designed

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to destroy the monetary and currency fabric of Pakistan, thus endangering the safety of the State.

30. Not content with these various acts of hostility and aggression against Pakistan, the Government of India now threaten Pakistan with a direct military attack.

(Document S/646 in
SCOR, 3rd Year, Supplement
for November 1984 pp. 67-87)

The Agenda adopted by the Security Council Meeting No. 228 held on 16th January 1948.

(Document S/Agenda 228)

1. Adoption of the Agenda.
2. The Jammu and Kashmir question:
   (a) Letter dated 1 January 1948 from the representative of India addressed to the President of the Security Council concerning the situation in Jammu and Kashmir (document S/628).
   (b) Letter dated 15 January 1948 from the Minister for Foreign Affairs of Pakistan addressed to the Secretary-General concerning the situation in Jammu and Kashmir (document S/646).

Agenda adopted by the Security Council Meeting No. 229 held on 17th January 1948.

Provisional Agenda (Document S/Agenda 229)

1. Adoption of the Agenda.
2. The Jammu and Kashmir question:
   (a) Letter dated 1 January 1948 from the representative of India to the President of the Security Council concerning the situation in Jammu and Kashmir (document S/628).

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(b) Letter dated 15 January 1948 from the Minister for Foreign Affairs of Pakistan to the Secretary-General concerning the situation in Jammu and Kashmir (document S/646).

Security Council

TWO HUNDRED AND TWENTY-EIGHTH MEETING

Continuation of the Discussion of the Situation in Jammu and Kashmir

52. Speech made by Sir Mohammad Zafrullah Khan (Pakistan) on 16th January 1948

Since the Security Council rose yesterday afternoon, I have had to consider within what limits to confine the statement that I am going to submit this afternoon. One choice was to confine myself to a brief reply to the charges made by India against Pakistan and their details, which were elaborated in the statement which was read yesterday. The other choice was to attempt to sketch a background of the whole question and, against that background, to confine my submission this afternoon to the question of Kashmir alone, without adverting to any of the other matters that have been raised in Pakistan's complaint, which it has submitted to the Security Council under Article 35 of the Charter.

In adopting either course I was faced with a certain degree of risk. The risk with regard to the first course was the possibility that, without a somewhat detailed picture of the background, the questions that really arise for determination—or, at any rate, the background against which the questions have to be determined—might in some respects be overlooked. The risk in adopting the second course was that, at least in the first part of my submission, I might perhaps weary some representatives in the Security Council, certainly the representative of the United Kingdom and his advisers, who would already be familiar with the outlines, and even the details, of the background that I propose to submit.

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However, after a good deal of consideration I have decided —and I hope and trust that the Security Council will bear with me in this decision—to adopt the latter course, because not only are the issues involved grave and urgent and delicate, but their decision would have many implications which may not at the present moment be fully apparent.

It is not a pleasant position for a country to find itself being cited on the charge of being a potential disturber of international peace, but apart from that altogether, the issues involved are not merely legal and constitutional or even political. There is a very large human background which it will be very necessary for the Security Council to appreciate before the members bring their minds to bear upon the concrete questions that need to be resolved and decided.

The Government of India and the Government of Pakistan have both petitioned the Security Council under Article 35 of the Charter of the United Nations. Both have thus agreed that disputes have arisen between them which are likely to endanger the maintenance of international peace and security. I agree entirely with my friend, the representative of India, that the situation is grave and urgent and needs to be dealt with on the basis of immediacy.

The matter referred to the Security Council by the representative of India is confined to the question of Kashmir. That referred by Pakistan embraces all the principal issues and questions pending between the two countries that are likely, if not resolved, to lead to a disturbance of the peace.

The question of Kashmir has been taken up by the Security Council, as it was bound to be, having been referred to the Council earlier than the other questions which Pakistan has raised. I shall therefore, at this stage, confine my submission to the question of Kashmir. However, as I have alreay said, in order to appreciate the Kashmir situation it is essential to view it against its proper background. It is not an isolated incident. At this stage, therefore, I shall touch upon other matters only so far as they are relevant to a proper appreciation of the Kashmir question. I shall develop the rest of my case when its consideration is taken up by the Security Council.

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It is obvious, however, that in order to restore friendly relations between India and Pakistan and to remove all danger to the maintenance of international peace and security, all major disputes between the two countries that constitute such danger must be resolved at an early date. It would be, if I may be permitted to say so, a waste of precious effort if, while the Security Council is occupied in straightening out the tangle in Kashmir, the two Dominions begin to fight over one of the other grave matters that are in controversy between them, as set out in document II [in document S/646], which has been submitted to the Security Council and is now in the hands of the members. I trust, therefore, that the Security Council will, along with the consideration of the Kashmir question, take up the consideration of these other disputes also.

Indeed, as will presently appear and be appreciated as the tale unfolds itself, it is impossible properly to appraise the different issues involved in the Kashmir question without direct reference to some of those other matters.

To revert now to the question of Kashmir, it will be necessary to make a few preliminary observations on the genesis of the two States, India and Pakistan, themselves, in order that the background of the disputes between them, more particularly the dispute over Kashmir, should be properly appreciated. I am therefore compelled to make some observations of a very elementary and preliminary character, but I shall sketch that part of the picture as rapidly as possible and in the barest outline.

Under the British, the sub-continent of India was divided into two parts: One was directly ruled by the British and was known as British India, and the other was governed by Indian rulers and was known as the Indian States, over which the United Kingdom possessed and exercised the right and power of suzerain.

British India was divided into eleven Governors' Provinces and some centrally administered areas like Delhi, Ajmer, Baluchistan, et cetera. The number of Indian States, on the other hand, was over six hundred, but a very large majority of them were only small States or estates, possessing very few of the insignia of sovereignty. Some of them were as large as countries

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of Europe and, subject to their foreign relations being controlled by the United Kingdom and advice being tendered to them within a certain sphere by the British resident there, were fully sovereign States.

With regard to the distribution of population, British India had roughly 70 per cent of the total population of India, and the Indian States combined together had roughly 25 per cent or thereabouts. In area, however, the Indian States had about one-third of the whole sub-continent of India and British India had two-thirds. This population was divided on the communal basis—again very roughly—in the proportion of three to one, or three non-Muslims to one Muslim.

The Security Council will be mainly concerned with the question of the division between Muslim and non-Muslim, but the main non-Muslim group consisted and consists of Hindus. There is one small community, however—small but very important—with which the Security Council will be very largely concerned in its consideration of the question of Kashmir—and that is the Sikh community.

The total number of the Sikh community in the whole of India—though the community is centred in the Punjab—does not exceed 5,000,000. A very small number of the Sikhs lived permanently outside of the Punjab, but the vast bulk of them lived and were based upon the central districts of what was known as the Province of the Punjab. But though the Sikh number a mere 5,000,000, they are an extremely well-organized community; they are, by habit, inclination and training, a community of soldiers, and have in the past contributed to the forces of India in very much larger proportion than their numbers would lead anyone to believe. Tne Sikhs are also a very deligent community, and so long as they are peaceful they make excellent farmers and very good technicians, artificers and mechanics.

Out of the eleven Governors' Provinces in India, the distribution of population was somewhat curious. Whereas in the whole of India the Muslims formed roughly one-fourth of the total population, htis one-fourth was so distributed that in four out of the eleven provinces the Muslims were in a majority,

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and they were a minority in seven out of the eleven provinces. That created a peculiar situation. That is to say, there was a certain kind of balance within the provincial sphere, as against the Muslims being a permanent minority in the whole of the country with regard to any functions that either a unitary or a federal government might exercise in respect of the whole of India.

With the prospect of the transfer of political power from British into Indian hands, the different communities began to take stock of the situation, and the Muslims at least began to fear that once political power was transferred into Indian hands, they would find themselves in a very difficult situation.

Though the population of India has been there from time immemorial, there has been very little immigration into India in the ordinary normal sense, and the two main blocs—the Muslims and the non-Muslims—have, in most spheres of life, kept apart all through. It is not necessary to go into any detailed causes of this division even in social or cultural matters. The one main outstanding cause is that the bulk of Hindu society is based upon caste and upon touchability. Again it is unnecessary to enter into details, but barring a very small proportion of unorthodox Hindus who have been educated in the West or have been educated in India along Western lines, the Hindu society is based upon those two ideas. You are born into a caste and you belong forever to that caste, and you cannot by any means change it. That is one doctrine.

The other doctrine is that no member of the three upper castes—there is a fourth caste known as the depressed caste or submerged caste—no member of the three upper Hindu castes, so long as he desires to remain an orthodox Hindu, may sit down to eat with or intermarry with, or carry on other normal social relationships with, the members either of the submerged caste or of non-Hindu religions.

Therefore, owing to this main cause—and, as I said, there are other causes too—there has been this division all through. Consequently, when the prospect of sharing in the exercise of political power drew near, each community began to take stock of the situation. The Muslims began to feel, as a result of the

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treatment they had received, that as, progressively, opportunities for the exercise of power came into Indian hands, they were likely to be discriminated against, unless the Constitution provided some adequate safeguards.

The Act of 1935, which, before the Indian Act of 1947, regulated the Constitution of India, was based upon a scheme of safeguards for the minorities. Under that Act, elections were held early in 1937, and in the seven provinces in which the non-Muslims were in a majority, the Congress Party, which had obtained majorities in the elections, took office and formed Ministries, and they were in office from July 1937 until November 1939. They went out of office on 10 November 1939, at the beginning of the last World War, on the ground that India had been plunged into the war by a decision taken by the British Government and that India had not itself been given an opportunity to decide whether it would participate or would not participate in the war. But during those two and one-quarter years the Muslims—in certain provinces at least—became progessively convinced that the scheme of safeguards contained in that Act had proved a failure in actual practice and was no more than a delusion.

I do not belong to one of those provinces in which this feeling was acute, and therefore I cannot speak from personal knowledge, but there are some in those provinces who professed to have been so persecuted and discriminated against that when the Congress Ministries in those provinces went out of office, that day was celebrated by the Muslims as "Deliverance Day." That shows, at least, how acute was the feeling between the two communites.

As far as political representation is concerned, the two great political parties in India in recent years have been the All-India National Congress and the All-India Muslim League. The All-India National Congress by its constitution and rules is not a communal body. Its membership is not confined—certainly not by its rules—to any one particular community. In actual practice, also, its membership is not confined, though by and large again, corresponding as it were to the communal distribution of the population, its membership is mainly Hindu. There

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is a certain amount of Muslim membership also—at least there was—but that became progressively smaller until today it is almost infinitesimal.

Again, by and large, the All-India Muslim League may be taken to have represented the bulk of the Muslims of India in the political field in recent years.

As the result of the kind of experience to which I have alluded, a resolution was adopted at the annual session of the Muslim League in 1940, which has subsequently come to be known as the Pakistan Resolution. Pakistan, though now the name of the two parts of the Dominion which goes by that name, did not originally have any territorial significance at all. It is a word that was adopted to express an idea and an ideal. When that ideal was achieved, the name was applied to the territory also.

This resolution meant that the areas of Muslim majority in India should be permitted to form themselves into an independent sovereign State, leaving the rest of India free to form itself into one or more independent sovereign States. That is when the idea of Pakistan—or what has come to be known as the idea of Pakistan—was first put forward in concrete shape.

Many attempts were made thereafter by the two political organizations at some sort of constitutional settlement, but they did not achieve any success. The Muslims felt that submission to Hindu domination, whether in a federation or in a unitary Indian State, would imperil their faith, culture, language and even their very existence, a fear that, alas, has turned out to have been only too well-founded—at least with reference to certain areas since the middle of last year.

Eventually, after all sorts of efforts were made and proved fruitless, a scheme of constitutional settlement was adopted last year with the consent of the main political parties in India, which conceded the main demand of the Muslims that areas of Muslim majority night be formed into one independent State and that the rest of the country might form itself into another independent State.

One peculiarity of the distribution of population, again, is that the Muslim majorities were to be found in the Northwest

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and in the North-east; that between the two, the whole area was a non-Muslim majority area. Muslims were in a majority in the North-west, in the Provinces of Sind, Punjab, the North West Frontier Province, and also the centrally administered area of Baluchistan; and they were in a majority in the North-east, in the Province of Bengal.

But, as a part of this constitutional settlement, it was laid down that the Provinces of the Punjab in the North-west and Bengal in the North-east would be further divided so as to take away from each, contiguous areas in which the non-Muslims were in a majority, so that the western part of Bengal was separated from Bengal and added to the Dominion of India, and the Eastern part of the Punjab was separated from the Punjab and added to the Dominion of India, Pakistan continuing to comprise West Punjab on the Western side and East Bengal on the Eastern side.

The partition of the Punjab was insisted upon not by the Muslims, naturally, and not even by the Hindus as such, but by the Sikhs. The bulk of the Sikhs are based upon the central districts of the Punjab Province. It was pointed out to them by Lord Mountbatten when this demand was made that a division of the Punjab would break up their community into two almost equal parts and, therefore, would be very prejudicial to their interests from every point of view. But they insisted and their demand was supported by the Congress, and the demand was ultimately accepted.

The actual division of these two provinces was entrusted to a Boundary Commission, but in effect to the Chairman of the Boundary Commission, Sir Cyril Radcliffe. He pronounced the award on 18 August 1947. All the parties professed to be dissatisfied with it. There are certain features of it which are open to serious objection, but this is not the occasion or the place to raise that question.

But even before the award was pronounced, it began to apparent why the Sikhs had insisted on asking for partition of the Punjab. It was an incomprehensible demand to all of us. The Sikhs were the third community numerically in the Punjab. Muslims were in the majority; the Hindus came next and then came the Sikhs. That the smallest of the three communities in a

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province should ask for division of the province, into two parts, when it was inescapable that any kind of division that took place would divide the Sikh community also into two parts, was not easily understandable. Hints were dropped during the partition proceedings as to what the Sikh plan was, and apparently the Viceroy himself, Lord Mountbatten, was aware of what it was. Subsequent confidential reports from the Government of the Punjab to the central Government, which have since been circulated, though they have not been published, indicate that the Sikh plan, as it subsequently unfolded itself in actual practice, was already known to Lord Mountbatten.

I shall go back a little now to make another resume of events which will bring the matter up to the tragedy which has embittered relations between the two Dominions and is the main cause of their differences.

During the last half of 1946 communal riots and massacres occurred at various places such as Ahmedabad, Bombay, Calcutta, Bihar, Garhmukteshwar, Noakhali, et cetera. Neither side has been free from blame with respect to these matters but Calcutta—and much more, Bihar and Garhmukteshwar—disclosed well-laid and ruthlessly executed plans of extermination of Muslims in those particular areas. At Garhmukteshwar, which is a place on the banks of the Sacred River Ganges, the occasion was a Hindu sacred festival—and the waters of the Ganges, held holy and sacred by Hinduism both in and beyond India, were, on this occasion, deliberated defiled and polluted as a result of the ruthless barbarities of Hindu votaries upon the persons of the Muslims who were there in order to assist at the celebration of these festivities, and whose countless corpses —men, women and children—were thrown into the waters, of the Ganges.

These occurrences carried successive waves of horror throughout the sub continent of India. Human life ought to be sacred and human misery must evoke sympathy, irrespective of who the victim is and who the aggressor is. Neither side was free from blame. But these are facts.

Fortunately, up to then, the Punjab had been entirely free from communal strife. The first sign of strife that appeared

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was an announcement made by Master Tara Singh, a leader of the Sikh community, on 23 February 1947, from the steps of the Legislative Assembly in Lahore. He unsheathed his *kirpan*—in other words, his sword—waved it about and announced that the sword would now decide between the Sikhs and the Muslims. He said that the Sikhs were ready, that they had organized themselves for the struggle, and there was no question as to why they should confine themselves to East Punjab, but that they were determined to drive the Muslims across the Indus.

This was followed by equally fiery and provocative speeches delivered by Giani Kartar Singh and other Sikh leaders that evening and in the course of the following two or three days in Lahore.

In Multan, an almost wholly Muslim town in the South-east of the Punjab, at about the same time, on 2 or 3 March, the local Sikh leader, Nanak Singh, in a fiery speech proclaimed that the Holi Festival that year, a sort of Hindu carnival, which was approaching within two or three days, would be celebrated, not with red water—it is customary to sprinkle people with red water during the festival—but with red blood, obviously meaning Muslim blood. The same day, or the next day, the students of the local Hindu college organized a procession and went through the streets of this predominantly—this overwhelmingly—Muslim town, shouting slogans like "*Qaid-e-Azam Murdabad*". *Qaid-e-Azam* is the title which the Muslim community had conferred upon Mr. Jinnah, who is now the Governor-General of Pakistan. Mr. Jinnah was indisputably the acknowledged and the revered leader of the Muslim community. "*Qaid-e-Azam Murdabad*" means "May *Qaid-e-Azam* die". That is literal, but idiomatically, it means "Cursed be *Qaid-e-Azam*". Anyone would known, under any circumstances, that this would be a most provocative procedure to adopt, but they adopted it.

In Rawalpindi, a town in North-west Punjab, an overwhelmingly Muslim town, at about the same time, the Sikhs took out a procession, withdrawn swords, marched through the streets and attacked a car, the occupants of which were Muslims, killed

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one and wounded the others, and went on marching towards the *Jumma Masjid* that is, the principal Muslim place of worship in the middle of the town. Tales of these happenings in Multan and Rawalpindi were carried into the countryside, and, no doubt, lost nothing in the telling.

As I have explained, both these towns and the countryside around are predominantly and overwhelmingly Muslim. Feeling having already been excited to a high pitch by the speeches of the Sikh leaders—and particularly in Rawalpindi—the Muslims felt that the Sikhs had started their campaign to drive them across the Indus, Rawalpindi being about 30 or 40 miles this side of the Indus, with the result that there was a communal flare-up in which a large number of Sikhs were murdered and otherwise ill-treated, and their property looted—again a deplorable State of affairs.

As I have stated, it makes no difference who commits the aggression and who the victim is; wherever there is human suffering it is to be highly deplored. But that was the background. These was one feature, though these occurrences had taken place, which does, to a certain extent, distinguish them from what subsequently took place in other parts of the Punjab; that feature was that the situation was rapidly brought under control. Large-scale arrests of the miscreants who had taken part in those riots took place, and, as a matter of fact, a kind of counter-persecution of the Muslims. by the police started.

There were also minor disorders in Lahore and Amritsar. Lahore was the capital of the undivided Punjab, and is now the capital of West Punjab. It is about 32 miles from Amritsar, which is a sacred city of the Sikhs. The situation continued to be uneasy and explosive. That is one facet of the picture in regard to British India.

What about the Indian States in the constitutional settlement? According to the constitutional settlement, later embodied in the Indian Independence Act of 1947, it was open to an Indian State to accede to Pakistan, to accede to the Dominion of India, or—as the States claimed at any rate at that time, though it was vigorously contended to the contrary by the Dominion of India—they could remain independent. In actual fact many of the States which wanted to remain out were subsequently dragooned into accession to the Dominion of India.

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I was very agreeably surprised by the declaration contained in the statement which was read by the representative of India yesterday which asserted that it would be open to Kashmir to accede to India, to accede to Pakistan, or to be independent and become a member of the United Nations. I wish the same choice had been offered to the other Indian States also.

The transfer of power actually took place on 15 August 1947. That was the "due date" as laid down in the Indian Independence Act. The two Dominions were set up on that date. The Boundary Award was actually pronounced on 18 August 1947. Before the award was pronounced, the Sikh plan, which was based upon the partition, had begun to unfold itself, and the tragedy had started on its course. In East Punjab are the following Sikh States: Kapurthala, Faridkot, Nabha, Jind and Patiala. Around Delhi there are the Hindu States of Bharatpur, Alwar and Gwalior. All these States are in accession with the Union of India. Out of these, only Kapurthala had a majority of Muslims in its population. In all the other States that I have mentioned, there was a considerable number of Muslims, but the Muslims were in the minority.

In June 1947, a campaign for the extermination of Muslims was started in the States of Bharatpur and Alwar. This campaign spread later to Gwalior also. Men, women, and children were massacred in cold blood by State troops. This was not a mere question of a communal flare-up. The armies of the rulers massacred men, women and children in order to rid these States of the Muslim population. Houses belonging to the Muslims were destroyed, their crops burned. Those Muslims who escaped with their lives were driven out of the States to become homeless wanderers and to die by the hundreds along the roads and in the fields. That was the beginning.

Mosques were desecrated and demolished. In the State of Alwar today, not a single mosque remains. This was at least logical barbarism. If no Muslims have been left, why then should a mosque be spared?

On 9 August, the organized campaign of genocide, directed against the Muslim population of East Punjab, began under the auspices and leadership of His Highness, the Maharaja of

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Patiala. This soon carried fire and sword throughout the Sikh States of East Punjab and the districts of East Punjab. Gruesome tragedies and horrors were enacted.

I shall draw the attention of the Security Council to a brief report with regard to what happened in Patiala. This report appeared in a newspaper which has been described as a communist paper. It is called the *People's Age*. The issue I shall read from is dated 28 September 1947. The article reads as follows: "The first shot was fired fifteen days before the zero hour on 1 August. That day the people just awoke to find that a Hindu had been murdered in the State. Who murdered him was not known and perhaps would never be known, unless the State is keeping papers of all its secret preparations in some vaults which will fall into our hands one day. Five thousand non-Patialis—the 'refugees' who were kept and fed in the State schools, hostels and guest houses"—that is to say that they were refugees who had come from the outside—"were at once on the streets with the corpse of the poor victim. This was the signal for the mass murders which were then begun all though the State. Remember that not one local man had joined in either the funeral procession or the butchery that followed it. On 3 August, a canard was spread that the Ruler—who had diplomatically left Patiala for a holiday just before 1 August—had been murdered by a Muslim Major name Farooqi. The path of vengeance was shown by the trained bands. The State Army openly joined them. That day in Patiala City alone fourteen thousand members of the minority community were butchered." This refers to the Muslims who were butchered. "The Ruler, in the meanwhile, was having a good time at Chail, his hill retreat. What was begun on 1 August and again on 3 August was just a prelude to the attacks on trains and the wholesale slaughter of the minority community which were scheduled to follow. On the railway line between Ambala and Sarang, nearly fifteen stations fall inside the Patiala State territory."

I might stop here and explain the meaning of this passage in the article. When the division took place, the government staffs and government offices had to be sorted out. It had to

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be determined who would go to Pakistan and who would remain in India. The government records had to be sorted out. In cases where a record was common to both sides, copies had to be made so that the new Dominion of Pakistan could start at Karachi, which they had chosen as their capital, with the necessary amount of personnel and the requisite number of records. These records had to be transported from Delhi to Karachi by train. On 9 August the first Pakistan Special was dynamited on the way to Karachi within Patiala territory. Later on, nearly a dozen of these Specials were blown up, doing extensive damage, until eventually, this traffic had to be stopped. Therefore, for quite a long time the Government offices in Karachi could not start functioning—either for want of personnel or for want of the necessary records.

To continue: "The first attack on the Pakistan Special was made here. After that, attacking refugee trains and throwing out and murdering passengers inside them became an organized and daily affair. Some estimates are that, during the six or seven weeks between 1 August and 20 September, at least one hundred thousand members of the minority community"—that is to say, the Muslims—"were killed. Scores of thousands have fled the State; thousands of others have been driven out through other means. All their properties have come to the close relatives and supporters of the Ruler.

"This job done, the Ruler came out of his Chail harem and came to see Sardar Patel"—the Home Member of the Government of India. "Nobody knows what reports he submitted. On 25 September, Patiala was declared a 'disturbed area."

This is an account not by a Muslim, but by a Hindu. This is what happened in Patiala.

The Muslim population in these States—in all these States, in Alwar, Bharatpur, Patiala, Nabha, Jind, Faridkot, Kapurthala and Gwalior—has been entirely wiped out by this time, either by massacre or by forcible expulsion. As I have already said, Kapurthala had a majority of Muslims in its population—some 235,000. Today, there is not a single Muslim left in Kapurthala. Oh, no, I am mistaken; it has been

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pointed out to me that two were left. Two—not two thousand, not two hundred—but two out of 235,000.

The responsibility of the Government of India for these occurrences in the States—I am coming to the East Punjab presently—although indirect, cannot be denied. The weapons with which the killers were armed were of military pattern. Yesterday, when making his submission, the representative of India said that, inasmuch as the people who were fighting in Kashmir were found to be equipped with weapons of military pattern, the conclusion was inescapable that those weapons had been supplied by the Pakistan Government. I shall deal with that question later in the course of my submission. However, I wish to say now that the weapons with which the killers were armed in the States which I have mentioned were of military pattern—even when the killers were not escaped troops, as was very often the case. Would it be a legitimate inference, as argued yesterday on behalf of India, that these weapons had been supplied by the Government of India?

But compare what happened in these States with the tiny State in the same area, in the East Punjab—Malerkotla. It is hemmed in on all sides by Kapurthala, Jind and Nabha. The Ruler is a Muslim; the majority of the population are non-Muslims. No single incident of any kind, so far as I am aware, has occurred in that State. I claim no credit for the fact that the Ruler is a Muslim. But I do claim that when the Ruler, whether a Muslim or a non-Muslim, is determined that order shall be maintained within his territory, he can maintain it. What happened in these other States, then happened because the Rulers desired it, and the State troops enforced that desire.

Let us now turn to East Punjab. The population of East Punjab, together with the population of these States that I have mentioned, included 6,000,000 Muslims. There are today, at the outside, a few thousand left—in refugee camps, in terror of their lives—out of 6,000,000.

I have before me two accounts of those events. The tragedy is of dimensions so vast that it would take not one afternoon, but several afternoons, to discuss the details. However, the

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account which I am about to read will give some iden. It is an account that appeared in *The Times* of London, in its issue of 25 August, from its special correspondent in the Punjab. In his dispatch, he described the situation thus:

> "A thousand times more horrible than anything we saw during the war' is the universal comment of experienced officers, British and Indian, no the present slaughter in the East Punjab. The Sikhs are no the warpath. They are clearing the Eastern Punjab of Muslims, butchering hundreds daily, forcing thousends to flee westward, burning Muslim villages and homesteads, and, in their frenzy, burning their own, too. This violence has been organized from the highest levels of Sikh leadership and it is being done systematically, sector by sector. Some large towns, like Amritsar and Jullundur, are now quiet because there are no Muslims left.

"In a two-hour reconnaissance of the Jullundur District at the weekend. I must have seen fifty villages aflame. The Sikh Jathas,"—that means "bands"—"armed mobs from fifty to one hundred strong, assemble usually in the *gurdwaras*, their places of worship, before making a series of raids. Many *jathas* cross over from the Sikh States. The armament of a typical *jatha* consists of one or two firearms, army and home-made grenades, spears, axes and *kirpans*, the Sikh sabres which are also religious emblems. The Muslims are usually armed only with staves. When threatened, they assemble on their roofs and beat gongs and drums to summon help from neighbouring Muslim communities and prepare to throw stones at the attackers. The Sikhs attack scientifically. A first wave, armed with firearms, fires to bring the Muslims off their roofs. A second wave lobs grenades over the walls. In the ensuing confusion, a third wave goes in with *kirpans* and spears, and the serious killing begings. A last wave consists of older men, often army pensioners with long white beards, who carry torches and specialize in arson. Mounted outriders with *kirpans* cut down those trying to flee.

"British officers have seen *jathas* that have included women and even children with spears. Appalling atrocities have been committed. Bodies have been mutilated. None has been spared

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—men, women or children. In one village, out of fifty corpses, thirty were those of women. One Viceroy's commissioned officer found four badies roasted to death over a fire.

"Although the *jathas* are often led by former soldiers, with whom this region abounds, they are cowardly bodies. One well-armed *jatha* which had burned a string of fifteen Muslim villages and murdered at least five hundred people, was finally halted with the loss of six lives by a small Muslim village possessing only one rifle and one pistol but dauntlessly led by a former captain of the Royal Indian Army Service Crops.

"To British officers effectively dispersed a mob about to attack a train which had been expertly diverted into a siding. The young Indian pilot of my Auster aircraft dispersed several *jathas* —only temporarily, alas—by firing Verey lights at them. The three battalions of the boundary force have lately been reinforced by a fourth, but they have had to cover three large districts and have been faced with an impossible task. By the time they have received one report and acted on it, the *jatha* has moved on elsewhere. Moreover Sikh and Hindu troops have refused to fire on Sikh gangs, or else they fired to miss. The Muslim police were disarmed before 15 August, and the Sikh police have looted and killed with the mobs."

It is necessary here to explain that in these areas, at least in some of them, such as the District of Jullundur and the District of Ferozpore, as in the State of Kapurthala, the Muslims were in a majority. These were areas of Muslim majority which, contrary to his instructions and his terms of reference, Sir Cyril Radcliffe most unjustly, most unfairly, and most inequitably had assigned to East Punjab.

Normally, there would not have been any chance for a Sikh *jatha* to have carred out its sinister designs in these areas, even after they had been assigned to East Punjab, if the local administration and the Government had, indeed, not protected the Muslims against attack but had only held the scales farily.

I had a home—I have none now—in one of these areas which was looted while I was here in the United Nations, representing Pakistan. I have deails of how these attacks were crried out

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there and in the surrounding country. The police would arrive first; the Muslim village would have been selected beforehand. The police would search the village for arms of any kind or description that the Muslims might have. Mind you, they were the victims, and it was the victims who were being disarmed in advance. Licensed arms were taken away; anything that could have been used as a weapon of defence was taken away, and intimation was then sent to the Sikh bands, who attacked that night or the next morning.

In certain cases involving some villages, to my own certain knowledge, the Muslims were able to resist successfully, and the police then fired upon the villagers. That is what went on; systematically, one by one, each village was cleared of Muslims. When my house was looted, extremely sympathetic references were made in the English Press. The echoes filtered down here. Even the members of the then Indian delegation came and expressed their sympathy to me; and I understood that the leader of the Indian delegation, Mrs. Pandit, sent a cable to her brother, the Prime Minister of India, drawing attention to this situation. Three days later I was surprised to hear the same members of the Indian delegation coming to me and saying, "We are very glad to hear that the Government of India says nothing has happened at your place." That is how the Government of India carries out its investigations, and that is how it contradicts the reports.

Nothing had happened! In that town of fifteen thousand population, thirteen thousand of whom consisted of Muslims, today there are only three hundred at the centre of the village, keeping watch over two mosques and a cemetery which we are still guarding there. All the others have had to clear out. A curfew was imposed on the Muslims, the victims. Under cover of the curfew, my home and other homes were looted by the police and by the army, and two hundred people of that place were killed in the night inside their homes, all this under cover of the curfew.

Here is another account with regard to Jullundur. This is by the special correspondent of the *Daily Telegraph* of London.

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In a dispatch to his paper, dated Thursday, 21 August, he says:

"Jullundur, designated capital of the new Indian Province of East Punjab and once a clean, bright town, was a city of the dead, covered with a pall of smoke, when I visited it today. The trouble began there on Monday and reached its height on Tuesday. A young Muslim captain of the Boundary Force stopped me at the city gate. 'You go on at your own risk,' he said. 'There are not enough of us to control this place. Local authorities are helping the rioters.'

"I drove on, to find in every street Sikhs brandishing their swords and piling paraffin and faggots against the remaining unburned Muslim buildings. Pandit Nehru's police looked on. At a crossroads lower down, the last band of Muslim refugees were assembling. They were all that remained of 120,000 Muslims who formed the majority of this city's 200.000 people. A Hindu Major of the Boundary Force was trying in vain to convince them that safe transport would be available to take them to a protected refugee camp. In the next street, fire-raisers could be heard shouting to one another as they looted and set fire to the houses these wretched people had just left. The common estimate is one thousand Muslim men, women and children butchered in Jullundur. Half were burned in their beds on Tuesday night.

"Latter, I toured some villages in East Punjab, off the beaten track. Two pictures are impressed upon my mind: one, many times repeated, is of little processions of Muslims, under escort, leaving villages of their birth, each householder carrying the family bedstead on his head, each wife bearing her husband's precious *hookah*[1]; the other picture is of a band of twenty Sikhs, armed with rifles and swords, approaching stealthily the walled village over which stood the minarets of the mosque. Behind the walls women were screaming with fear. The roads were more crowded with

1. Large pipe for smoking.

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refugees than ever today, the great majority of the traffic being Muslims going westward.

"The Muslims League estimates that 200,000 refugees already have reached Pakistan. The volume is certainly greater than the present shadow administration can deal with, and epidemics are feared."

There were 200,000 at that date; since then the number has swelled to over 5,000,000. This was in the East Punjab. Let me draw the attention of the Security Council members to the situation in Delhi. I was in Delhi for a few hours on the morning of 4 September. A friend with whom I had spent the night, a doctor, popular among all communities, who had served all impartially, asked my advice as to whether, in view of the prevailing communal tension and the large number of Sikhs who had come in as refugees from West Punjab into Delhi, and who were brandishing their arms, it would be wise of him to leave Delhi. I said to him, "My dear fellow, it would be foolish. No Government worth the name would allow its capital to be desecrated by the kind of thing that has happened in East Punjab. You must remain where you are." The next day he had to flee for his life into a refugee camp.

This is what happened in Delhi, the capital of the Mogul emperors, the nursery and home of Muslim culture in India, the capital of British India before power was transferred, the capital today of Free India and the seat of India's Government.

The tragic drama of mass killing and looting in Delhi lasted for practically the whole of September 1947. It was an integral part of a deep-laid conspiracy for the extermination of Muslims, and the drama was mainly enacted by the *Rashtriya Swayam Sewak Sangh*, a terrorist organization of the Hindu *Mahasabha*; large Sikh gangs which were armed with modern weapons liberally supplied by certain Sikh States; the local police and military forces who had been purged of all Muslim members and into whose ranks workers of the *Rashtriya Swayam Sewak Sangh* had widely disseminated their hate propaganda against Muslims; and partly by a number of Congress leaders in India who, in their speeches and writings, made no secret of their

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sympathy for the Hindu and Sikh terrorist organizations and their antipathy toward the Muslims.

Referring to the sinister influence of the Hindu *Mahasabha*, the *Scotsman* of Edinburgh wrote on 3 October as follows: "In the tension and fever of India today one of the most dangerous elements is the *Mahasabha*, the quintessence of extreme Hinduism and hatred of Muslims. Its numbers are comparatively small, its political influence uncertain, but its ability to excite the passions of the Hindu mob by inflammatory slogans is justly feared."

This militant Hindu organization called for the observance of "Martyrs' Day" in Delhi on 30 August, which was announced by a leaflet distributed in large numbers. "Remember the 30th of August 1947," declared one of these leaflets, "when you have to observe 'Martyrs' Day'. The day should begin with the mass murder of Muslims, children and women alike. Forcible occupation of Muslim buildings should be your objective. Set fire to Muslim *mohallas*" (quarter of the town) "but beware that the fire does not spread to Hindu and Sikh localities."

The *Hindu Outlook*, edited by Mr. G. Deshpande, the Secretary of the Hindu *Mahasabha*, published an article in the issue of 9 September 1947, calling upon Hindus and Sikhs to do the following: "1. Remove the present Government, which is composed of men of straw, and replace it by men who would be strong Hindus" (Apparently, according to him, the present Government is composed only of weak nationalists.) "2. Declare the Indian Union a Hindu State. 3; Prepare the country on the basis of war with Pakistan."

My friend on the other side of this chamber complained that *Dawn*, a Muslim organ in Karachi, referred to the Government of India's communiques with regard to the military action in Kashmir, as "enemy versions." As will presently appear, the offices of *Dawn* were burned in Delhi. The press was destroyed. *Dawn* had to transfer itself to Karachi, and even then the explanation may be that *Dawn* was only quoting a communique of the Free Kashmir Government, which will

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naturally describe the activities of the military forces of India as the activities of the enemy's forces.

However, if so much importance is to be attached to what the Press might say, here is an official organ of the Hindu *Mahasabha* calling upon the Hindus to prepare the country on the basis of war with Pakistan. Please remember, this is on 9 September 1947.

The article continues: " 4. Impose conscription and recruit all young Hindus to the army. 5. Treat all the Muslims as fifth columnists. 6. Declare the professing of Islam as unlawful." That is to say, no Muslim can lawfully profess his faith or should be able to do so within India.

An assurance that, in the event of disturbances taking place, the Hindu police and military would render no assistance in the restoration of order was conveyed in a leaflet entitled "Order of the Day", which announced: "Your military and civil forces are out to help you. They will join your bands in crushing down these Muslim serpents. They are all waiting to rise together at the call of the signal, a signal that may be given at any moment."

In the hope that the Government would eventually do something to save them from Hindu and Sikh gangsters, Muslisms were fleeing for their lives from predominently Hindu areas to Muslim localities. Their nervousness was temporarily allayed by an editorial comment on 30 August in the *Hindustan Times*, a mouthpiece of the Congress in Delhi, which declared that "the authorities are prepared, as indeed they must be, to meet all possible contingencies."

The declarations in the Indian Constituent Assembly guaranteeing the right of private property and protection of minorities were still ringing in the ears of the Muslim populace. Their representatives in the Constituent Assembly had saluted the Indian National Flag and given the new State categorical assurance of their fullfledged loyalty. Subsequent events were, however, to show that the guarantees offered on account of protection of minorities were not worth the paper on which they were written.

The situation, explosive as it was, burst into general civil commotion on 3 September and quickly enveloped the whole

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of Delhi. The *Hindustan Times* staff correspondent reported stabbing incidents in the Sabzimandi area on 3 September: "In the morning, panic spread in the city as a rusult of rumours of serious clashes. Fifty-nine dead bodies were found in the suburbs of Delhi."

During the next few days conditions grew worse; assaults and stabbings on Muslims became a common feature of life in the city, and the movement of Muslims from the city to refugee camps in Old Fort, Idgah, the Jumma Mosque and Humayuns' Tomb began on a large scale.

On 7 September, the staff correspondent of the *Hindustan Times* reported numerous stabbing incidents in Qarol Bagh, Chaori Bazar, Jama Masjid, Turkoman Gate, Dariba in Delhi, and the Lodi Road Colony in New Delhi. "The people of the different parts of the city were panicky," the dispatch continued, "and police and the military evacuated to safer places those who were living in the areas predominantly populated by the members of the Hindu community. All transport had by now come to a standstill. Disturbances had spread on such a serious scale that even air services from Delhi had to be suspended. Train services between Delhi and Lahore had already broken down, and the Muslims found themselves trapped as it became impossible for them to move out of Delhi, except to refugee camps, the conditions of which were no better than those of village cattle sheds."

The Hindu capitalist newspapers, like, Dalmia's *New Chronicle* and Birla's *Hindustan Times*, did everything to minimize the dimensions of the disturbances in Delhi, and dismissed as minor incidents the reports of ghastly atrocities which the Sikhs and the *Rashtriya Swayam Sewak Sangh* were perpetrating on unarmed Muslims, men, women and children.

The special representative of the *Times of India*, Bombay, sent the following dispatch on 7 September: "Communal disturbances for the first time spread to New Delhi's fashionable shopping centre, Connaught Place, this morning. Following half a dozen stabbing incidents, hooligans broke open several shops in Connaught Place and looted them. Most of the pavement shops were overturned. Twenty-four hour curfew

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has been clamped down on Connaught Place beginning from 10 a.m. today. Stabbing incidents and arson were also reported from a few other parts of New Delhi, particularly Qarol Bagh, the Gol Market Area and Lodhi Road Colony. *Tongas* and houses were set on fire and persons stabbed. While these incidents were occurring in New Delhi, Old Delhi was generally quiet, a blanket curfew having been imposed.

The *Yorkshire Post* carried the following dispatch from its daily correspondent in its issue of 6 September: "In Delhi today Muslims are terror-stricken. Thousands are afraid to leave their houses for fear of retaliation by refugees who have swarmed into the capital. There is no escape for them into Pakistan by train, for railway travel for Muslims through East Punjab is fraught with the gravest risks because of the frequent holdups of trains by armed gangs of Sikhs and Hindus on the look-out for Muslim victims. In Delhi the most revolting crimes are committed almost daily against Muslims. The imposition of the strictest curfew has had the effect so far of preventing mass violence, but Delhi's Muslims population is in a pitiable state of panic."

A New Delhi correspondent of *The Times* of London wrote on the same day: "No day passes without stabbing and shooting outrages of which Muslims are invariably the victims. There are frequent instances of houses occupied by Muslims being forcibly seized by Hindu and Sikh refugees."

On 6 September, the *News Chronicle* published this story from its New Delhi correspondent:

> "One report is of a mob attack on a high school where pupils were sitting for an examination. The mob called on the boys of one community to stand and they were butchered." None of the perpetrators of this crime was arrested or tried.

On 7 September 1947 the *Observer* of London published the following:

> "Mob rule paralysed normal life in some areas of the contested Old City of Delhi for hours yesterday. Arson,

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stabbing, shooting and looting continued sporadically during daylight curfew hours and reached a hideous climax before nightfall...Some of the foulest crimes were perpetrated under cover of darkness."

On 9 September 1947, the *Daily Mail* of London published the following dispatch from its New Delhi representative under the headline, "Police Look On As Delhi Mobs Slay":

"A Sikh raiding band ranged through the fashionable New Delhi bungalow quarter seeking out and killing Muslim servants and destroying their belongings. Another raiding party slaughtered at least fifty Muslim refugees as they waited in Old Delhi railway station this morning for a train to Pakistan. Police looked on without interfering. It is obvious that the order to shoot looters and fire-raisers on sight is being deliberately disobeyed, but the order has been re-issued in stricter terms.

"Hordes of Hindus and Sikhs have been attacking Muslim houses and looting shops, which they smashed open with axes and crowbars, since seven o'clock this morning. There are six large fires burning in Old Delhi, and as I drove there I saw bonfires in the streets being constantly fed by bundles of Muslim belongings. In the Paharganj area tonight police are making a new effort to rescue one hundred and fifty Indian Christian girls from the Convent of the Sacred Heart, which is threatened by rioters and the spreading flames of the fire-raisers. Fires ring the city at sunset. After hours of work the smaller ones were under control, but those in the Muslim areas raged through blocks of small shops and houses. Thousands gathered on the rooftops to watch the fires and listen to the battle."

On 10 September 1947, *The Times* of London published the following account of Delhi from its own correspondent:

"Officers who visited Paharganj area in Delhi this morning report having seen corpses of men, women and children freshly cut down with swords. Troops were trying to

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evacuate the remaining Muslims, and only with difficulty restrained Sikhs and Hindus from attacking the evacuees.

"Civil police in Delhi have openly sympathized with rioters in these disturbances, and but for the presence of troops, especially the British-officered Gurkha regiments, there might have been a general massacre of Muslims and a conflagration on the widest scale. Numerous cases have been reported in which the police stood idly by while mobs looted Muslim shops, and then when ordered to fire, fired deliberately over the looters' heads. Most neutral observers in Delhi take the gloomiest view of the situation, and do not see how/this madness is going to be stopped from spreading throughout the length and breadth of India."

On 9 September 1947, *the Daily Telegraph* published the following dispatch from its New Delhi correspondent:

"In New Delhi, where smoke from burning Muslim houses still darkens the sky, terrorism continues. The number of casualties in the past 24 hours is put at 150 dead and 250 injured. The streets continue to resound with the bursting of grenades, the crack of rifles and the occasional rattle of machine-guns. At least fifty Muslim refugees were massacred after being dragged from a train standing in a railway station in New Delhi. Sikhs slashed at men, women and children alike with swords, and Hindu troops and police made no effort to intervene."

A European eye-witness who reached Karachi on 9 September 1947 from Delhi said: "It is my firm belief that the Government of India has completely lost grip of the situation as I saw no signs that the Government was functioning. I went along Prithvi Raj Road where I saw No. 37, belonging to a Muslim contractor, Mr. Osman, being looted by the Sikhs. I went across to persuade them to refrain.

"There were two jeep-loads of Sikhs there and one of them pointed a revolver at me and told me in excellent English: "Get the hell out of here." I did.

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"The owner and his family had evacuated earlier. The servants had run away by the back door, taking with them as much of the master's property as they could lay their hands on to save. The Sikhs looted everything there was. Nobody interfered. Then two jeep-loads of loot pulled out of the sacked house.

"I went to Connaught Circus to see a European friend. When I got there, a Sikh mob was looting Abdul Ghani's shop. The police came along and fired down the street at random and not on the looters, who went on looting. I left the place in a hurry.

"Hyat's furniture shop was looted in broad daylight, with the police standing only ten or twelve yards away, watching, but doing nothing. The whole of Paharganj was in flames. In Qarol Bagh every Muslim house has been looted.

"Everywhere I saw carloads and lorry-loads of armed Sikhs freely going around. Where did they get their lorries, their arms and their petrol from? Two Muslim officers in the Willingdon Air Port Station had been murdered by the Sikhs on Monday morning, shortly before I left, while they were on duty."

Brigadier Desmond Young, a former editor of the *pioneer* of Lucknow, later Chief Press Adviser to the Government of India and a war prisoner during the last war, subsequently Director of Public Relations with the Government of India, was in Delhi on 12 September. Here is his testimony:

> "Much of the responsibility for the circulation of exaggerated stories rests with the Delhi Press, with All-India Radio, with the Associated Press, with the Information Department of the Government of India, and ultimately, with the Government of India itself. Had they done their duty in the matter of honest, factual and non-partisan reporting, there would have been no room, or at least no excuse, for rumours. That they did not do so is obvious to anyone who compares their reports with the admissions subsequently made by Pandit Nehru in his broadcast.

"Similar examples of *suppressio veri* and *suggestio falsi* may be found in the pooled reports of the correspondents who

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accompanied Pandit Nehru on his tour of the Punjab and, for that matter, in the communique issued by the Governor of the East Punjab which, for subtle misrepresentation by implications, I have never seen equalled by any bureaucratic government. It is fortunate that correspondents of the two most responsible London papers had toured the area independently and were able to report what they saw.

"It is because I believe that the forces temporarily driven underground in Delhi will be a constant menace unless they are exposed, that I take the responsibility of saying that in my opinion the recent troubles there were the result of a well-organized Sikh conspiracy. Its immediate objective was to make life impossible for Muslims in Old and New Delhi; its long-term plan may well be more ambitious. The short-time object may or may not have been achieved; I did not think that it has been abandoned.

"Had this been merely my own view, arrived at after a two days' visit, I should certainly not have published it. It is many years since I expressed any opinion about Indian affairs and I have no desire to intervene in them when I am leaving India for good. But it is the unanimous conclusion of a number of responsible persons in different walks of life whose judgement I respect; and as it was conveyed to me by all of them independently, in very much the same terms, and supported by evidence, I am satisfied that it is well founded.

"That the great majority of the attacks on Muslim lives and property were made or led by Sikhs is undeniable. That these Sikhs were completely ruthless and guilty of some particularly brutal killings could be verified even last week by a visit to Paharganj and Qarol Bagh. That the assailants were armed with modern automatic weapons, bombs and even mortars, eye-witnesses to whom I spoke can testify. Indeed, they made no attempt to conceal them. That the attacks were synchronized seemed clear to those on the spot.

"What may not be so well known is that for days and even weeks before the outbreak, Sikhs in jeeps, on motor-cycles, on cycles and on foot were making reconnaissances of outlaying Muslim localities and of Muslim quarters in Old and New

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Delhi. These reconnaissances were discreetly conducted, but not so discreetly that several British officers did not observe them and speculate about their purpose. It was revealed only too clearly when the time came.

"A preliminary campaign of intimidation was also conducted in New Delhi, where all Muslim servants had evidently been marked down. One European woman, the wife of a senior official, was told by Sikhs through the medium of her sweeper, that if she did not get rid of her Muslim servants, she, they and her house would be destroyed together. A similar threat was made to a senior British officer, who replied that he knew how to protect his servants and, if necessary, to die with them. (He was unmolested). In a house where the Muslim servants were actually killed, the Sikh party who killed them knew how many Muslims and how many Hindus there were, counted them out of the servants' quarters and told the Hindus to stand aside. A Hindu friend of a Muslim officer volunteered to look after his kit while he was away from Delhi. He was visited and told that he Must get rid of it or he would lose his own belongings, his house and his life. A Muslim who worked in a sub-power station with two Sikhs took refugee in a neighbouring house. The house was at once visited by a Sikh patrol, who ordered the occupant to hand the Muslim over. Fortunately he had already escaped.

"I mention these instances, which could be multiplied many times, to show that the theory that the outbreak was a spontaneous explosion of embitted Sikh refugees from the Punjab will not hold water. It was, indeed, the Sikh refugees encamped on the Willingdon Airport who committed outrages there and caused the airport and the roads leading to it to be the death-traps for Muslims. But the Sikhs who organized and led the attacks were Sikhs who knew their Delhi.

"From whence did the inspiration and the arms come? I do not pretend to know. But certain rulers of Sikh States in whose territories attacks on trains have been made while the State police looked on and even aided the attackers, should restrain members of their families from talking as freely as they have been doing in Delhi if they wish to escape suspicion. They should also make it clear that they are not responsible for the

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offers made to Sikh soldiers to desert from the Army bringing their arms with them, on the assurance that their arrears of pay and their pensions will be guaranteed.

"The short-term object, as I have said, was to make it impossible for a Muslim to remain and earn his living in Delhi. It would be a bold Muslim who would seek to do so, so long as the Sikhs are allowed to retain their arms, while the Muslims are disarmed, and so long as Sardar Patel nullifies his appeal for peace in the city by saying that he will know how to settle accounts later. 'We can also settle accounts with those who have to answer for this great tragedy at a more suitable occasion and in an appropriate manner,' said Sardar Patel, India's Home Minister, in a broadcast on 12 September.

"The only hope is that the Government of India will realize that, if they do not hold down the Sikhs with a strong hand, they may well see their capital as much under gangster rule as was Chicago in the days of Al Capone. And gangsters are no respecters of persons. If they do, Muslims in Delhi may enjoy an uneasy security, on sufferance.

"Sardar Patel and others would also be well-advised to make a study of Sikh long-term ambitions and to turn up the speech made by Master Tara Singh immediately after the fall of the Coalition Ministry in the Punjab. In that speech Master Tara Singh threatened that the Sikhs would reconquer the Punjab with the sword. There is more than one possible aspirant to the succession of Ranjit Singh, a disruptive factor on which the political leaders of India perhaps rely. But, whoever may emerge, it is unlikely that he will turn his eyes exclusively to the West Punjab.

"To use the Sikhs to embarrass the Government of Pakistan, in the hope that it may be prevented from functioning from the start, is a policy which has certain obvious attractions to certain minds. But the man who holds even a friendly wolf by the ears can never feel entirely at ease."

In a letter to a friend in England published by his paper on 3 October, Ralph Izzard, *Daily Mail* reporter in New Delhi, wrote:

"The Lodi Road colony was the scene of one Sikh-led

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attack, and a large number of Europeans had their Muslim Servants butchered.

"In most cases it was done quite politely—they told one of our friends that they would not kill his bearer in the house as it would make a mess, but on the verandah, which they immediately did.

"There is reputed to be growing resentment on the part of the Sikhs against the Europeans because most of us got our Moslem servants to safety and have since been keeping them alive with foodstuffs."

On 14 September, Mr. John Irvine, 47-year-old British bank official, was shot and died later in hospital. The *Daily Express* reported on 15 September that eye-witnesses said that the shot was fired by an Indian policeman. Mr. D. McKay, also on the bank staff was standing beside Mr. Irvine when he was shot. He told the *Daily Express* representative: "We were watching looting from a shop across the street. Police were carrying away stuff from the shops, One of them turned his back to the looters and fired two shots wildly in our direction."

The farce was exposed by the *Daily Mail* correspondent, who wrote: "The chief danger, as I see, is that the Hindustan Government will not, obviously for political reasons, brand the Sikhs as the perpetrators of the present trouble which they undoubtedly are and act against them accordingly. Thus the real wrongdoers are not being brought to book and are even being protected and pampered."

"The Government here", wrote the *Daily Mail* on 3 October, "is trying hard to find a convenient scape-goat and today the witch-hunt is directed against Muslim "harbourers of arms". Any Muslim whose house on search produces a chisel, a saw, an axe or a bag of potassium permanganate is branded as an assassin and a potential bomb-maker."

The *People's Age*, in its issues of 28 September and 26 October, stated: "So accompanied only by its trusted stooges, the police and military carry out their searches and seizures. The press of Hindu big business, of the Birlas and Dalmias, laps up every detail of the alleged conspiracy and of big arms

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hauls.. How is it that stories about the discovery of big hoards of Muslim arms all appear long after the Muslims themselves have evacuated those areas where arms are found? How is it that so few Hindus have been killed and so many Muslims, that hundreds of Muslim shops have been looted and all have closed down, that thousands of Muslims have fled to refugee camps, if it is the Muslims who attacked and rebelled?"

The organized manner in which killing and looting were going on with the help of the military and police was described by Ralph Izzard, the *Daily Mail* correspondent, in his paper on 3 October:

> "What I believe really happens is that a Hindu-Sikh mob attacks a Muslim house in, say, Paharganj; the paterfamilias gets driven into a corner and looses off a couple of barrels from a licensed shotgun; police and troops arrive and plaster the house with machine-gun fire and hand grenades —and one more Muslim who's been 'bullying' the peaceful Hindu neighbours with fire-arms has had it. You will find the decline in morale of both police and military absolutely staggering; I have seen, only a couple of days ago, a fat *havildar*[1] major asleep on a *charpoy*[2] in the arcade of Connaught Place while a gang of Sikhs were looting a shop only four doors away. In Chelmsford Road last Monday week four of us stood and watched Rumaon Rifle troops actually assisting shooters and looters for about three hours —that was after the "shoot to kill looters" order had been issued. Things have been tightened up now, but there are still the most amazing defections. The Gurkhas have been the most reliable troops, but even they have been lax on occassions.

"A case in point was at Old Delhi Station last Wednesday week; a Muslim was clubbed to death with hockey sticks there while, I'm told by a European witness, the Gurkhas just looked on."

1. Non-commissioned officer.
2. Wood and rope bed.

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On 11 September, the *Times of India* special representative reported, "For the first time in four days the city was quiet but in some areas it was the quiet of the graveyard. The cleaning of the streets and public places was a major activity noticed today."

The *Times of India* of Bombay reported on 12 September: "(1) Thousands of houses and shops burned down, destroyed or looted; (2) thousands of Muslims uprooted from their normal avocations and huddled in refugee camps protected by Indian troops; (3) almost complete dislocation of the city's life with homes and hotels put on iron rations; (4) thousands of ownerless cattle and horses detached from destroyed *tongas*[1] roaming about the streets and open spaces, browsing on the rich green plots abounding in the city."

On 11 September, the office of the only Muslim English daily in the Indian Union, *The Dawn*, and the *Dawn* Press in Daryagunj, were attacked by gun-men of the *Rashtriya Sewak Sangh* and Akali Sikhs. The B.B.C. described the attack as a "two-hour gun battle between the attackers of the *Dawn* Press and the Military." The office equipment was looted and the buildings were set on fire. Since then *The Dawn* has not been able to resume publication in the capital of the Indian Union. There is no English newspaper now in East Punjab, Delhi or the United Provinces published under Muslim auspices.

And my learned friend from India had the grievance that *The Dawn* had described the communique of the Indian Government as an "enemy version".

The British Press was taken to task by the Government of India. The New Delhi correspondent of *The Times* of London wrote as follows:

> "It is learned that at Calcutta since 1 September there has been censorship on all out-going telegraphic messages dealing with the communal situation, whether intended for Indian or foreign destinations. It is believed to be the first time in India since the end of the war that censorship has been imposed on out-going cables."

1. Horse-drawn passenger vehicle.

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For this, he was taken to task.

Pandit Nehru strongly rebuked Press correspondents from all over the world at a Press conference held on 27 August in New Delhi. He said that it "had come to his notice that certain Press correspondents had recently dispatched messages from India which were highly tendentious and deliberately intended to run down some groups or some parties. Though he had no desire to stand in the way of the freedom of the Press, there was such a thing as abuse of hospitality. Things said now would embitter the relations between India and other foreign countries." "It might be remembered", he warned, "if it has not been previously thought of, that the 15th of August has made a difference."

The *Yorkshire Post*, on 29 September, wrote: "Even in Delhi, the seat of the Congress Government, where of all places order should be kept, thousands of Muslims stay in the misery of the refugee camps because they dare not return to their homes. No impartial observer can doubt that the massacre was begun by the violence of the Sikhs, whom the Hindu Government could not or would not restrain."

On 30 September, an attack by armed raiders from neighbouring villages was made on the Safdarjang Hospital; four patients were killed and thirteen seriously injured. Yet Mr. Gandhi, on 26 September, in a speech at a prayer meeting, observed as follows: "If Pakistan persistently refused to see its error and continued to minimize it, the Indian Government would have to go to war against it."

The *Truth*, London, observed in an editorial on 3 October: "The holy man is now talking truculently about war against Pakistan. Somewhat appropriately, he chose a prayer meeting at which to make his first appearance as a potential was lord, threatening Pakistan that if it did not see the error of its ways, the Indian Government would have to go to war against it. Mr. Gandhi is 78, and cannot have long to live. He was thus philosophic about the bloody consequences; [even] if all Hindus were annihilated, he said, he would not mind.

"Such talk, however later 'explained', merely confirms the suspicion that Gandhi is not responsible for his words and

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actions and is now unsafe outside a mental home. Yet he is still a considerable power behind the Indian Government, and it is very probable that his lunatic and dangerous advice will be taken seriously."

I will not say that I agree with the correspondent, nor would I dare use the expressions that he has used, but I have only quoted.

The *Inquirer* of London wrote on 4 October: "A number of people will be startled by Mr. Gandhi's sudden desertion of pacifism. The gloss he offered later upon what may very well have been an impulsive statement did not by any means clear up the matter. The pacifist, under all circumstances, cannot sanction or even accept war. For the first time in his long life, Mr. Gandhi's pacifism has really been put to the test of harsh circumstances, where his emotions are really engaged in situations of life and death. It has always been one of the weaknesses of pacifism that no one could be really sure as to how it would stand up to the strain of the real horror, the kind of horror that the Nazis knew how to practise, and the kind that is now desolating parts of India. If pacifism cannot accept and master such situations as these, then as a defence of civilisation it is lost. It was one thing for Mr. Gandhi to be a pacifist under the British Government; it seems to be another thing to hold the faith in face of senseless and hideous massacre."

The *Economist* of London wrote editorially on 4 October: "There is now open talk of war, and also in India a strong movement for transforming India into a Hindu State in which Muslims would be deprived of citizen rights. But he (Nehru) is under strong pressure from those elements of Congress who are under the sway of communalism, and whose communal bias in the period of the Congress provincial governments between 1937 and 1939 was one of the main cause of the growth of Muslim adhesion to the Muslim League. Mr. Gandhi has unfortunately given an impetus to Hindu extremism by a speech in which, though re-affirming his own belief in non-violence, he said that if there was no other way of securing justice from Pakistan, the Indian Government would have to go to war against it; for many Hindus the suggestion that a war against

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Pakistan would be a just war, as wars go, is more likely to carry weight than his ideal pacifist teaching."

The special representative of *The Times*, on 5 October, said: "This much is certain—that in spite of the eloquent appeals for tolerance by Mr. Gandhi, Pandit Nehru, and other Indian leaders, the communal atmosphere is vitiated and noisome beyond description. If there is comparative peace in Delhi and other big centres today. it is a peace based upon an intolerance which has succeeded in killing or driving out the minority community almost to a man.

"Thus, in Delhi, whole streets in the Muslim quarters lie deserted and looted, while their former inhabitants are either on the move, by road or rail, to West Punjab, or else are huddled together in object misery and fear in refugee camps...chronic insecurity of life and property prevails. What this means in terms of hatred and burning desire for vengeance can hardly be imagined. Apart from a handful of enlightened leaders, the Dominions of India and Pakistan are acquiring a legacy of mutual mistrust which will dog them and handicap their efforts at nation-building for years to come."

At one of his prayer gatherings, Mr. Gandhi acknowledged as follows: "A new technique seems to have been established now. Sikhs with drawn swords, which seem to have taken the place of little *kirpans*, with or without Hindus, visit Muslim houses and demand evacuation. This is a monstrous state of things in this, the capital city."

The *Birmingham Post* published the following on 20 October: "Muslims in India, who still number about forty million, are raided for arms, exhorted to abjure the Muslim League and to show their loyalty to the country of their residence by throwing themselves helpless on the mercy of those whose fellows have massacred Muslims farther north. Alternatively, they are urgently invited to take themselves with all despatch to Pakistan leaving their homes of generations, their lands, business and wealth...There is a strong movement in India, supported by many Sikhs, who have lost part of their homeland to Pakistan and gained nothing, and many Hindus, to establish a completely Hindu State based on Delhi, a movement contested by the

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Indian Government, which still upholds its non-communal principles. Even the Cabinet is not always unanimous; and it is mainly the deep influence of the Indian Cabinet's father confessor, Mahatma Gandhi that makes for a policy of tolerance. It is a highly explosive situation, with complications in the States of Hyderabad, Kashmir and Junagadh, South, North and West respectively, where India and Pakistan contend, and where Hindu and Muslim line up armed for further conflict which only extraordinarily good luck will avert."

In another post-prayer speech, Mr. Gandhi said that 137 mosques had been desecrated in Delhi and New Delhi, and in some of them idols installed, while others were being used by refugees in whatever manner they liked.

In another post-prayer speech by Mr. Gandhi, it is reported, "he added that a Muslim brought to him a half-burnt Koran. He had wrapped it up in a piece of cloth, showed it to him with tearful eyes and went away without speaking. The man who had thus tried to insult the Koran had insulted his own religion. He appealed to Hindus and Sikhs to desist from bringing ruin to their country and religion."

The following is a message from the Associated Press of India, under dateline of Lahore, 4 December: "Attacks by Indian Army troops on Muslim refugee girls travelling in trains form the subject of a protest addressed by the Pakistan Government to the Government of India.

"Two Muslim girls, aged 14 years, were brutally and repeatedly raped by various members of the Indian Army escort on the refugee train which left Delhi for Lahore on 11 November. These girls were examined in Lahore by independent medical experts, and their evidence, together with the girls' statements, is being forwarded to the Indian Government.

"Four young Muslim girls travelling in a Pakistan personnel train which left Hazrat Nizamuddin Station on 28 November, were dragged into the troops, compartment and there raped by the escort.

"The protest also related to illegal searches by Indian Army escorts. The Muslim refugee train which arrived at Walton on 30 November was detained at Jandiali station for three and a half hours, and the refugees were deprived of their cash,

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ornaments and other valuables after a thorough search and after detaining at Attari station. The non-Muslim escort warned the refugee passengers that 'none of these incidents should be divulged.'

"Urging the Government of India to immediate action at the highest level, the Pakistan Ministry for Refugees State that these incidents which involve Indian Army troops escorting refugee trains who, in cold blood and with complete disregard to their duty, have molested refugee women, are even worse than the rape of Muslim girls by non-Muslim mobs."

These are some of the incidents and accounts of neutral observers, showing what happened in the capital itself. Five million refugees, in all stages of destitution, have been drawn out of these areas, and are now dragging out their miserable existence in West Pakistan. It is necessary to remember that, because Kashmir is on the other side of West Pakistan from Delhi, and it is these aseas from which these five million refugees have poured into West Pakistan. Some of the details are harrowing and soul-searing. Decency would forbid mention; therefore I leave them out.

It is only fair to add that, when these horrors started in East Punjab and Muslim refugees from East Punjab carried the evidence of these horrors on their bodies and on their tongues into West Punjab, and told the details of their suffering to their West Punjab brethren, in West Punjab the Muslims rose against the non-Muslims. Massacres took place, looting took place, stabbings took place; burnings took place.

It is immaterial who was the victim and who was the aggressor. It is immaterial whether there was provocation or no provocation. All these events, on whichever side they occurred, were degrading and shameful. In order to appreciate what subsequently started in Kasmir, it is necessary to remember that these events had happened and were continuing to happen.

In regard to West Punjab, these events were characterized by two features. In the first place, these episodes started when tales of horror were carried into West Punjab; in the second place, fortunately, the killings were not on such a large scale. This condition existed because of two factors. First, the

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Muslims had had no plan to massacre anybody. The uprising was the result of a provocation and was a sudden flare-up. Second, the Sikh withdrawal from West Punjab took place according to a plan. Therefore, the lives of many who might otherwise have been killed were fortunately saved.

We new turn to the State of Kashmir itself. This State was purchased by the great-grandfather of the present Ruler of Kashmir from the British East India Company in 1846 for 7,500,000 rupees. Roughtly, this is less than $2,500,000.

The population of Kashmir is distributed communally as follows: In Kashmir proper, apart from Jammu, 93.5 per cent are Muslims. Sixth-two per cent of the population of Jammu are Muslims. In the combined Jammu and Kashmir State, 78 per cent are Muslims. The total population is approximately 4,000,000.

Gilgit, which is the high mountain region in the North-west, a part of which borders on the USSR, is entirely Muslim. The total area of the State, which is largely composed of high mountains and barren hills, is 82,000 square miles. The region is famous for its beauty. The people of this State are similarly famous. Their high artistic talents are well known. What is not fully known is the depths of misery to which they have been reduced by a century of unmitigated tyranny and oppression under Dogra rule until it is difficult to say which is the greater tragedy to a Kashmiri: his life or his death. Death often provides release from the unbroken chain of suffering, misery and privation which begins in the cradle and ends only in the grave.

This description is not an exaggerated picture. It could be verified by Sheikh Abdullah here who knows about the poverty, the misery, and the degradation to which his people have been reduced during the last one hundred years. To an average Kashmiri a square meal is really a luxury, rarely encountered. It is well known that even before the Maharajah succeeded his late uncle to the throne, a few cheques of a few million dollars each signified trifles to him which might be thrown away frivolously and the loss not felt. Yet each cent of every one of these millions of dollars represented hours of

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misery, agony and suffering for one of his unfortunate subjects. I assure the Security Council that this is a very brief, but an absolutely true description of the average Kashmiri. These downtrodden miserable specimens of humanity did, in their desperation, sometimes turn like the proverbial worm. Though constant grinding misery and unceasing oppression had almost succeeded in converting responsible, brave and still highly artistic people into docile servants, a thrill of admiration ran through the hearts of all lovers of liberty when in their struggle to achieve a modicum of the most elementary of human rights, and some slight easing of the constant burden of tyranny which was crushing them, they were mowed down by the bullets of the State Dogra troops in their uprisings of 1931 and 1932, but refused to turn back and received those bullets on their bared breasts. The doom of the Dogra Raj in Kashmir was, in those days of tragedy and heroism, sealed in Kashmir blood. The Dogra rule was to be prolonged for a few more years under the shelter of British suzerainty, but its extinction was only a question of time.

What were the repercussions of these uprisings of 1931 and 1932 outside the borders of the State in adjoining British territory? Were the British, the suzerains of the Maharajah bound by treaty to uphold and defend his rule, able with the help of their mighty resources to keep the peoples of British Punjab out the struggles? Eighty thousand Muslims from Punjab who had rushed to the aid of the people of Kashmir were put into the jails and camps of the State. What were the people of Kashmir fighting for then? Essentially, of course, they were fighting for freedom from tyranny and oppression. They were also fighting against galling and chafing laws and customs like the following: in Kashmir, when one of these wretchedly poor, miserable Kashmiris found that his cow was no longer able to yield milk, was only fit for the butcher's knife, and he was anxious to save the meat for himself, his family, his friends, and his neighbours, if he slaughtered his own cow, such an act was, until a few years ago, a capital offence in Kashmir. Mr. Gopalaswami Ayyangar, who had the honour of being the Prime Minister of Kashmir for many

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years, and who tried to rule that State with wisdom and humanity, will confirm this. This penalty was reduced a few years ago, but the act of killing one's own, old, unusable cow is still liable to a penalty of seven years' rigorous imprisonment. The Kashmiris were at that time all liable to forced labour. If the Maharaja chose to go hunting, all villages might be searched for able-bodied young men to carry the Maharaja's baggage, bags and guns into the mountains and bring the same back with such quarry as the Maharaja might get. On any other occassion they were liable to forced labour when the Maharaja might require their services.

The whole of the soil belonged to the Maharaja. Nobody had any rights of ownership in it. They were liable to eviction at the will of the Maharaja, irrespective of for how many generations the family had occupied the farm. If a Muslim became converted to Hinduism, he retained all rights in his property. In the converse case, if a Hindu became a Muslim, he lost all interests in joint family property under the law of the State. Some reforms were granted under adjudication. As a result, a legislative assembly was also set up, and the Kashmiris achieved some alleviation of their condition.

We now come to the events of the last year. The constitutional settlement arrived at between the British and the Indians, on the one hand, and between different sections of Indians, on the other, presented the Maharaja with a difficult choice. Geography, economics and the wishes and the sentiments of an overwhelming majority of his people pointed in one direction—that is to say, accession to Pakistan—and indications have not been wanting that he was at one time inclined to proceed in that directon.

In any case, he had entered into a standstill agreement with Pakistan. It is necessary to explain what a "standstill agreement" is. India, being one political entity before the division on 15 August 1947, had a common system of defence, of railways, post offices, telegraphs, telephones, and a host of other matters. If on 15 August, when at least a nominal division took place between these two Dominions—in some places, the actual division also took place on that date—all these

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matters had to be adjusted, the situation would have been impossible. A new currency could not be started merely by a stroke of the pen, communications could not be divided up, defence could not be sorted out, and so on. Therefore, standstilll agreements were arrived at by Pakistan and India, providing that these matters should continue to run undisturbed on the old basis for a period of time, and different dates were fixed for different matters. Also, standstill agreements were arrived at between the States. Each State would come to a standstill agreement with the Dominion of India or the Dominion of Pakistan, according to its own situation and requirements, providing that these matters—mainly commmunications, and so on—should continue to run on the old basis.

A standstill agreement had been arrived at then, between the Maharaja of Kashmir and Pakistan. Later, the Maharaja appears to have been inclined in the other direction. But this presented a problem in regard to his people. As I have said, 78 per cent were Muslims. Having regard to his geographical position and the distribution of population in his State, he knew that it was certainly as much as his throne was worth if he made any movement in the direction of accession to India, so long as his people were there to protest and to desire accession to Pakistan.

However, the other Hindu States of the Punjab solved this problem. For instance, Kapurthala had a majority of Muslims—but then the Maharaja of Kapurthala got rid of all of them. That is how the question was resolved. The Maharaja of Kashmir must have thought that in the case of Kashmir the killing of a few thousand of his Muslim subjects, the jailing of the leaders, and the expulsion of a million or so might sufficiently cow the rest. And apparently that was the scheme that was adopted.

In the month of September, atrocities upon the Muslim population by the troops of the Maharaja started, both in the Jammu portion and in the Kashmir State portion, particularly that part of the State which is known as Poonch. Poonch is a smaller State which is ruled by a member of the senior line of the Maharaja's family, but the ruler of Poonch owes.

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allegiance to the Maharaja of Kashmir. But Poonch had this troublesome feature: that, on the lowest estimate, at least 70,000 Poonchis had served on the side of the United Nations in the last war, and therefore were not very easy to deal with.

This is what the Prime Minister of Pakistan said in his cable to the Prime Minister of the United Kingdom on 29 October 1947:

> "There is no doubt that State troops first attacked Muslims at Poonch. Women and children took refuge in Pakistan, and burning villages could be seen from our border. There is no doubt that later they set out to massacre Muslims of Jammu. The Brigadier in command of the Jammu-Sialkot border admitted to our Brigadier"—that is the State Brigadier—"that his orders were to drive out Muslims from a three-mile-wide belt, and that he was doing this with automatic weapons and mortars. There is no doubt that armed mobs headed by State troops invaded Pakistan on several occasions. After one of these raids, 1,760 dead bodies of Muslims were counted near one of our villages. There are now about 100,000 Muslim refugees from Jammu in West Punjab."

Another element that was added was that Sikh refugees from West Punjab and the *Rashtriya Swayam Sewak Sangh* volunteers had entered Jammu State and had started the massacre of Muslims on a large scale.

Sheikh Abdullah himself gives these as the reasons for the disturbances in Kashmir. On 21 October, in New Delhi, speaking at an at home given in his honour, and referring to Kashmir's accession, he said that while Pakistan was very keen on its accession, owing to the strategic position of Kashmir, if the State joined the Indian Dominion, Pakistan would be completely encircled.

The report of his statement continues: "Explaining the difficulties with which the people were beset in making up their minds without responsible government, Sheikh Abdullah said that the happenings in certain States, such as Patiala, Bharatpur

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and Kapurthala, and elsewhere, had naturally caused apprehensions in the minds of the Muslims in Kashmir. who formed the majority of the population. They were afraid that the State's accession to India might portend danger to them.

"Sheikh Abdullah said that the present troubles in Poonch, a feudatory of Kashmir, were caused by the unwise policy adopted by the State. The people of Poonch, who suffered under their local ruler and again under the Kashmir Maharaja, the overlord of the Poonch ruler, had started a people's movement for the redress of their grievances. It was not communal. Kashmir State sent its troops, and there was panic in Poonch. But most of the adult population of Poonch, he explained, were ex-servicemen in the Indian Army with close connexions with the people in Jhelum and Rawalpindi—these are places in West Pakistan.

"They evacuated their women and children, crossed the frontier, and returned with arms supplied to them by willing people. The present position was that the Kashmir State forces were forced to withdraw in certain areas."

Here is a picture of how the trouble and the oppression of the people in Poonch by State troops started, The people in Poonch are largely ex-servicemen of the Indian Army; that is, when India was one country and was not yet divided. They were compelled, in view of the horrors committed elsewhere, with which they were now faced, to evacuate their women and children, take them out of Poonch and put them in West Punjab, and then come back to fight with weapons borrowed or taken from their friends and relatives in West Punjab. Is that not exactly what has been stated by the Prime Minister of Pakistan as the cause and the origin of the trouble, and is that not what is being repudiated by India? The representative of India is present here. He can say whether or not this is a correct account.

Again, in the *statesman* of 22 October a speech by Sheikh Abdullah is reported as follows: "Speaking at a reception today, Sheikh Abdullah, the Kashmir Nationalist leader, pleaded for time to consider which dominion the State should join. 'In the meantime', he said, 'our friends could help us to attain our

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freedom from autocracy'. He also went on to say, 'Muslims, on the other hand, had learned of the fate of Muslims in Kapurthala, where, despite their majority, they had been wiped out. Not a single Muslim would be found in that State now. The same fate had been meted out to them in Alwar, Bharatpur, and Kapurthala, where the Muslim population had either been killed or expelled, but obviously the fear was that the same thing might be enacted in Kashmir." Those are Sheikh Abdullah's own statements.

Now for an account of the happenings in Kashmir itself. Starting with these occurences in the Jammu and Kashmir State, slowly the whole of Kashmir was getting enveloped in an orgy of loot, murder and arson. On 4 October the inhabitants of several villages, including Jandala, Makhialkotli, Nawal Danna and Cheerala, were reported to have been burnt alive in their houses. It is estimated that hardly one per cent escaped from the carnage.

On 5 October, the village of Salian was set on fire. The conflagration, which was visible from the Murree hills, continued raging until 8 October. It was reported that Muslims of this village—men, women, children, and even the old and infirm—were asked to stand against a wall and were shot dead by a Sikh squad. Automatic weapons were freely used to annihilate the Muslims of the village of Sudhnoti in the Poonch province. The whole village was ransacked, burnt and looted.

Life became impossible for Muslims in this area, and hundreds of Muslims from these and surrounding villages were compelled to leave their ancestral homes. When they reached Kohala bridge, a bridge across the River Jhelum—and the Jhelum at that place forms the boundary between Kashmir State and West Punjab—the Sikh soldiers assaulted and abducted the Muslim girls in the refugee caravan. Also raids started across the border upon West Punjab villages from Kashmir State. Our intelligence reported that out of eighty-four villages in the police circle of Phuklian, which has suffered most, all the sixty-one villages on the border line had a mixed population of Dogras and Muslim *kamins*[1], Towards the end of September, the Dogra

1. Common labourers and domestic servants.

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population migrated to Jammu; they went on across the border into the State; they carried all their belongings, adopting a scorchedearth policy with regard to the cultivated land.

After the evacuation of the non-Muslim population, these villages were attacked repeatedly, with the result that all the sixty-one villages on the border have been completely burnt by Dogra raiding parties from Jammu and there is now no sign of life in these villages. Standing crops have been destroyed and the residential houses so completely burnt that rehabilitation in this area is an impossibility. Over one hundred raids have so far been registered at the Phuklian police station, within whose jurisdiction these sixty-one border villages are situated. The residents of the border villages, who are all Muslims, frequently have been machine-gunned by Indian aircraft.

On 22 October the Globe News Agency reported that widespread rioting had broken out in the whole of Jammu Province, resulting in heavy casualties.

On 20 October 1947, the Kashmir Muslim Association reviewed the position in the Kashmir State and passed the following resolution:

> "The meeting of the Kashmir Muslim Association strongly condemns the indiscriminate firing on the Muslims of Sri Ranbir Singhpura, Mirpur, Rajaori, Poonch and Srinagar.
>
> "The *lathi*[1]-charge and the use of tear-gas on the innocent children in Srinagar is a crime which no civilized Government of the world can ever resort to.
>
> "The meeting deplores that the Government of Pakistan is showing extreme neglect towards the State affairs at this critical juncture when the Maharaja is enlisting outside aid for the purpose of crushing the 80 per cent Muslim population of the State."

On 28 October the Association issued the following statement:

> "Alarming reports are pouring in from Srinagar that during

1. Staff.

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the last few days gangs of Dogra soldiers are combing out all those who are known to be supporters of Kashmir's accession to the Pakistan Dominion. Muslim personnel of the State military and police have either been disarmed or arrested; several important officials have been dismissed and hundreds of political workers have been lodged behind the iron bars of the dingy State cells. There have been innumerable instances of looting of the houses of political workers.

"In Baramula and Rampur, several people have been shot dead on the mere suspicion that they were welcoming the armies of liberation. A reign of terror has been unleashed against the peace-abiding population of the State. The life and honour of no self-respecting patriot, whether Hindu or Muslim, who wants the question of the State's accession to either of the Dominions settled in a democratic manner, is safe.

"The Hindu and Sikh refugees in the State are being armed by the Kashmir Government and are encouraged to kill Muslims and others whose loyalty Sheikh Abdullah's Conference considers to be dubious."

An Associated Press of India report, dated 31 October, revealed that Brigadier Khuda Bakhsh, the Garrison Commander of Jammu Area, who was the only Muslim Brigadier in the Kashmir Army, had been shot dead by the Dogra troops in Jammu.

Mr. G.K. Reddy, a Hindu editor of the *Kashmir Times*, who was exiled from Kashmir for espousing through his paper the cause of this suppressed people, made a statement on the atrocities perpetrated on Muslims by Sikhs and I.N.A. men with the help of the Dogra police and Army, and this statement was published in the *Daily Gazette*, a Hindu paper of Karachi, in its issue of 28 October. This is what Mr. Reddy said:

"The mad orgy of Dogra violence against unarmed Muslims should put any self-respecting human being to shame. I saw armed bands of ruffians and soldiers shooting down and

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hacking to pieces helpless Muslim refugees heading towards Pakistan.

"My pain and agony were heightened by what I saw at Rajpura, where the officials and the military officers were directing an armed mob against a Muslim refugee convoy and got it hacked to pieces. I saw en route State Officials freely distributing arms and ammunition among the Dogras.

"From the hotel room where I was detained in Jammu, I counted as many as twenty-six villages burning one night and all through the night rattling fire of automatic weapons could be heard from the surrounding refugee camps."

This is the account of a non-Muslim eyewitness who belongs to the Madras Presidency in the Indian Union.

In Jammu proper, under the pressure of gangsters, Muslims were segregated in the local police lines where the State authorities promised them protection. The rooftops of all high buildings adjoining the police lines were occupied by Dogra troops and Sikh marauders who kept on firing on the Muslim refugees with impunity. On the same day, one of the Muslim festival days, 18 October, firing on the Muslims continued for ten hours, and it is estimated that over four thousand people were killed. The State authorities pleaded lack of police personnel to prevent the repeated attacks of Sikhs, I.N.A. and R.S.S. gangs on these unarmed Muslims. Kanwar Sir Dalip Singh, a former judge of the Lahore High Court, who was touring the Province of Jammu as a representative of the Government of India, asked the Muslims to surrender their arms and ammunition and keep in readiness for evacuation to Pakistan. Every individual was allowed to take only his bedding and a small box. All other belongings of the evacuees were deemed to have been forfeited to the State.

On 6 November, seventy trucks, fully packed and containing most of the respectable Muslims of the Province of Jammu, left for Suchetgarh, the nearest town in Pakistan. But the drive was diverted toward Sambha on the Kathua road. Only twenty trucks reached Mawa in Shakkargarh Tehsil. The remaining

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vehicles were deliberately halted on the way and the passengers stranded. Thereupon Sikh gangsters armed with automatic weapons, who were lying in wait, pounced upon them and began looting them and abducting the women. The whole operation was pre-planned. The daughter of Chaudhri Ghulam Abbas, a prominent leader of the Muslim Conference, was also abducted.

Lest there should be any confusion between the Muslim Conference and the National Conference, I ought to explain that these are two rival political associations or bodies in Kashmir, both representing Kashmir Muslims. Members of the National Conference might also be non-Muslim. Mohamad Abdullah is the head of the National Conference. The leader who was mentioned a moment ago was head of the Muslim Conference.

About a thousand people managed to reach Pakistan somehow. The next day 26 trucks, instead of proceeding to Suchetgarh, were detained at the Leper Hospital in the Jammu Cantonment area. The inmates of the trucks were attacked by a mob while an aircraft of the Indian Union was flying overhead. To save their lives many refugees jumped into the canal nearby, and while they were swimming across they were fired on by the escort, causing many casualties. The family of Chaudhri Hamid Ullah Khan, another prominent leader of the Muslim Conference, was in this convoy and nothing is known even today of their fate. When Sir Dalip Singh was told that the military trucks, instead of evacuating the Muslims from Jammu to Suchetgarh, were driving them only into death traps, he expressed his helplessness and said that evacuation was the concern of the military and it was for them to decide by which route to travel.

At Akhnur, one of the places that has appeared in the news recently a good deal, as it is alleged that raiders have occupied or invested it, the Hindus collected over 2,000 Muslims and asked them to form batches of five hundred each. As soon as they started, they were attacked by the *Rashtriya Swayam Sewak Sangh* and were deprived of their entire belongings and were finally attacked by the military. The survivors who reached

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Pakistan numbered hardly five hundred. In Daghiana, a small place in the Jammu Tehsil, over 20,000 Muslims met the same fate as the Muslims of Akhnur, the loss of life being very considerable.

The following account was given by refugees from Jammu and its adjoining villages on solemn affirmation before the Sikh District Liaison Officer of the East Punjab Government stationed at Sialkot. Sialkot itself is not in East Punjab, but the Liaison Officer is stationed there.

"On Friday, 17 October, our villages were attacked by armed mobs consisting of Brahmins, Sikhs, Dogras and untouchables. We defended ourselves and the mob could not do much damage. Next day the State military arrived and fired upon us with machine-guns and rifles, killing about 25 people. All the firing was done by the State military. Being left undefended and unarmed, all of us decided to migrate to Miran Sahib. The State authorities fixed up a military guard here ostensible for our protection. Later on the Indian Army also arrived there. We stayed at this camp for six days. Drinking water was not supplied to us; the rations were wholly insufficient and most of our children died one after another. We had not been able to bring much from our homes, but whatever we had brought was looted by the Indian Army and the State troops. We were harassed by searches and our women were raped by the Dogra and Sikh soldiers. After this attack, the local Tehsildar came and told us that the State Cavalry unit would soon come to protect us. The brigadier of the cavalry unit, on arrival, told us that we should be ready to leave the State via Bindwarhi. When we were ready to proceed, the Indian Army, the State troops, Sikhs, Dogras and others fired upon us and only one hundred people out of nine thousand could escape and save their lives. Tehsildar had collected over 22,000 rupees from us. We somehow managed to reach Sialkot on food and most of us had to be admitted into the Civil Hospital at Sialkot."

Two Englishmen compiled a summary of the facts, when they visited Jammu and Kashmir in November and interrogated Muslim refugees and officials of the State, as follows:

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"On the morning of 5 November, it was announced by beat of drums in Jammu City, in the name of His Highness the Maharaja, that all the Muslims must immediately leave the State and that, in fact, Pakistan had asked for them. They were instructed to assemble at the parade ground in Jammu. Conducted from there to the police lines, they were searched, deprived of most of their belongings and loaded on motor lorry convoys. They were told they would be sent to Suchetgarh, but instead the convoys took the Kathua Road and halted at Mawa, where the passengers were told to get down.

"At Mawa, the lorry drivers, who were Sikhs and armed to the teeth, removed all the young women from the convoys and began to attack the remainder. The Kashmir State troops looked on indifferently, while mobs of Sikhs and Hindus were killing the Muslim refugees.

"Out of the four thousand Muslims who had left Jammu, only nine hundred managed to reach Sialkot. Among them was Mr. Ghulam Mustafa, Member of the Legislative Assembly, who lost his wife, child and sister. It was in this attack that a daughter and a sister of Mr. Ghulam Abbas, President of the Kashmir Muslim Conference, were taken away by the attackers.

"A convoy of 70 trucks, containing most of the respectable Muslim families of Jammu City, left for Suchetgarh on 6 November. A few miles out of the city the trucks were halted and were attacked by armed jathas of Sikhs. Only three survivors reached Sialkot, all the rest having been butchered by the attackers, who included State troops and volunteers of the *Rashtriya Swayam Sewak Sangh*.

"Another convoy of 30 trucks, escorted by the Dogra and Indian troops, reached Suchetgarh on 9 November. Seven women and practically all the luggage belonging to the refugees had been removed by the escorting troops at the border.

"During the beginning of October 1947, about fourteen

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thousand Muslims living in Samba were besieged by armed Hindus and Sikhs, who cut off the rations and water supply of the villages.

"On 22 October, Samba village was visited by His Highness the Maharaja himself, and almost immediately after his visit all the Muslim women in the village were taken away by the State troops, and the men were slaughtered with the exception of fifteen survivors, who escaped to sialkot.

"About eight thousand Muslims assembled at the Mulla Tank near Kathua on 20 October, after their request for protection had been ignored by the Sub-Divisional Magistrate of Kathua. After marching three miles towards the Pakistan border, they were encircled by Dogra troops and armed Sikh civilians, and all of them were slaughtered with the exception of forty persons, who managed to escape to Sialkot.

"Early in October, the Jammu police reported to the State authorities, and recorded the report in their daily register, that arms and ammunition were being smuggled into the Jammu Province by Sikhs and Hindus from Gurdaspur through Kathua. When the local police seized the smugglers' arms, these were taken from them by the Hindu officers of the State Government and handed back to the smugglers.

"All Muslim policemen in Jammu City were disarmed on 22 October, and ordered to go to Pakistan. When some of the officers and men in the Jammu State police went to assist Muslims, who were being attacked in Daghiana, on 28 October, the State troops aimed their rifles at the police and ordered them to turn back.

"On the instructions of the State Government about 25,000 Muslims from Piran Sahib area collected at Maogaon to be evacuated to Pakistan. On 23 October, they were ordered to walk to Pakistan). But as they were doing so, their women and all their personal belongings were taken away from them by the Dogra troops, and the rest made to stand in a line, whereupon they were riddled with machine-gun bullets. Only

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about two hundred men out of the total number of twenty-five thousand refugees managed to make their way to Pakistan, by hiding in fields during the day and travelling by night.

"About 15,000 Muslims were brought from the surrounding villages to Akhnur bridge on 20 October. They were asked there to go to Pakistan on foot. Refusing to do so, they were killed by the Rajput and Dogra soldiers. Only 100 of them escaped, hiding in maize fields."

These foul deeds are still being perpetrated on innocent Muslims in the Poonch and Jammu Provinces and the number of Muslim refugees from the Kashmir State that have come to Pakistan for protection is at present well ower two hundred thousand. In the American Mission Memorial Hospital, Sialkot, alone, 6,423 children and 5,994 women received first aid, and 1,895 were treated in the Sialkot Civil Hospital. Most of them were suffering from sword, rifle, and gun-shot wounds.

A most harrowing feature of the atrocities perptrated on Muslims was the maiming of children under the very eyes of their mothers. The number of women abducted by the Kashmir gangsters cannot accurately be found out at present; but on a conservative estimate it is considered that at least 25,000 women have fallen into the hands of the Dogra troops, the Sikhs, the *Rashtriya Swayam Sewak Sangh* and Indian National Army bands operating all over the State. The most outrageous case known is that of 300 women who were captured in Devi Batala, and who were repeatedly and mercilessly raped until all of them died of shock and injury except one, who somehow managed to escape into a border distric of Pakistan.

These are some accounts of what has been happening in the State, both before the State acceded to the Indian Union and after the accession of the State, as many of the dates are in November. The accession to India was on 26 October and the Indian Union troops were landed on 27 October.

Pakistan naturally started protesting against these happenings. The telegram dated 12 October 1947 from the Foreign Secretary, Government of Pakistan, to the Prime Minister of Kashmir State, reads as follows:

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"Men of the Pakistan Army who have recently returned from leave at their homes in Poonch report that armed bands, which include troops, are attacking Muslim villages in that State. Their stories are confirmed by the large numbers of villages that can be seen burning from Murree hills. The Pakistan Government are vitally interested in the maintenance of peace on their borders and the welfare of Muslims in adjoining territories, and on these grounds alone would be justified in asking for an assurance that steps be taken to restore order in Poonch. One feature of the present situation in Poonch which, however, makes it peculiarly dangerous to the friendly relations which the Pakistan Government wishes to retain with Kashmir, is that the Pakistan Army obtains a large number of recruits from Poonch. Feeling in the battalions to which these men belong is rapidly rising and the situation is fraught with danger. The Pakistan Government wishes to avoid such a situation as they are sure do the Government of Kashmir, but if it is to be avoided, immediate and effective steps must be taken to end the present State of affairs, and in particular, if it is true that the State troops are taking part in the attack on Muslims, to ensure the restoration of their discipline. The Government of Pakistan would like to be informed of the action taken."

Another telegram of the same day from the Foreign Secretary of Pakistan to the Prime Minister of Kashmir reads as follows:

"Pakistan Government which to draw your Government's attention to series of raids made from Jammu State into Sialkot district during the month of September. At least six raids by armed Dogra gangs and refugees from West Punjab sheltering in Jammu territory have so far been reported. These raids have been accompanied by considerable loss of Muslim life. In the raids of two villages in police station Phuklian on 11 September, some sixty Muslims were killed and eleven women abducted by Dogra

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raiders. In a recent case, non-Muslim soldiers from Jammu State were reported to have waylaid and robbed Muslims of village Dhandar. Pakistan Government take a very serious view of the violation of their frontier by raiders from the Jammu State. They take strong exception also to non-Muslim refugees being allowed to use State territory as a base of operations against West Punjab. They would be forced to regard the continuance of such raids, unchecked by Government, as an unfriendly act. Pakistan Government therefore strongly urge that immediate and firm action be taken to stop the raids into West Punjab territory."

There were various other raids on 10 September 11 September, 16 September, 18 September, 20 September, 24 September, and 25 September 1947.

Now in answer to these telegrams, there was a telegram from the Prime Minister of Kashmir, in the course of which he stated:

"This Government has ample proof of infiltration. As is the result in every government including Pakistan Dominion military has to take action when disturbance caused cannot adequately be dealt with by civil administration. If this action hurts anyone's feelings Government hopes you will agree that it is for them to help in the task of restoration of peace. Government is prepared to have an impartial inquiry made into the whole affair with a view to remove misunderstanding and to restore cordial relations which this Government has strictly kept in view so far even in spite of provocation by the people across the border and has maintained it in its true spirit. If unfortunately this request is not heeded Government much against its wishes will have no option but to ask for assistance to withstand the aggressive and unfriendly actions of the Pakistan people along our border..."

Nothing is said with regard to any ill-treatment and so on. The whole thing is justified on the basis of proper military action and it is stated that there should be an impartial inquiry.

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Also, if the request for the impartial inquiry is turned down, then they will have to ask for outside assistance, presumably ask the Government of India to send its troops.

The reply sent from Karachi to the Prime Minister of Kashmir on 18 October 1947 stated the following:

> "We are surprised at the contents and tone of your telegram dated 15 October 1947. Instead of taking immediate and effective action in regard to specific complaints made by us in our telegrams Nos. 241 and 242 dated 12 October 1947, you have put forward vague allegations of infiltration by people of Pakistan into Kashmir and have accused the border people of manufacturing bad relations. We emphatically and categorically deny the allegations and accusations. People travel to and fro between Kashmir and Pakistan in the normal course of business, but the allegations regarding the free distribution of arms and ammunitions to Pakistan areas adjourning the State borders and the infiltration of armed men into State territory are incorrect.

"On the other hand there is mounting evidence of ruthless oppression of Muslims in Kashmir State and of raids into Pakistan territory by armed Dogra gangs and non-Muslim refugees from the Punjab. Most recent report is that of an attack on the Channa Khurd village by Dogra Army personnel where they exchanged fire with the police, killing the head constable. Large numbers of armed Sikhs, as well as Hindus belonging to the *Rashtria Sewak Sangh*, have gone to Kashmir with the object of repeating the tactics they followed in East Punjab to kill, terrorize and drive out Muslims. In fact, exodus of Muslims from the State has already started.

"The Pakistan Government must take a most serious view of a State of affairs in which the Mussulmans in Kashmir are suppressed and forcibly driven out of Kashmir. We are astonished to hear your threat 'to ask for assistance', presumably meaning thereby assistance from an outside Power.

"The only object of this intervention by an outside Power secured by you would be to complete the process of suppressing the Mussulmans, to enable you to join the Indian Dominion's

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coup d'etat against the declared and well-known will of the Mussulmans and others who form eighty per cent of the populotion of your State. [We must earnestly draw your attention to the fact that if this policy is not changed and the preparations and the measures that you are now taking in implementing this policy are not stopped, the gravest consequences will follow, for which you alone will be held responsible.]

"Having regard to the gravity of the situation, we have carefully considered your suggestion to 'have an impartial inquiry made into the whole affair'. We appreciate the suggestion and ask you immediately to nominate your representative on this Inquiry Committee. On hearing from you we shall nominate our representative without delay so that the Committee can proceed at once with a thorough inquiry into the whole matter. In the meantime we hope that every effort will be made on both sides to restore cordial relations between us."

What was the situation up to 18 October? There were complaints and cross-complaints. I shall not enlarge upon what appears to have been justified and what appears not to have been justified. There were complaints and cross-complaints and there were grievances. The Prime Minister of Kashmir says, "I demand an impartial inquiry. If you will not accede to my request to grant an impartial inquiry, I shall be compelled to ask for outside assistance". The reply goes back: "Having regard to the gravity of the situation, we have carefully considered your suggestion to have an impartial inquiry made into the whole affair. We appreciate the suggestion and ask you immediately to nominate your representative on this Inquiry Committee. On hearing from you, we shall nominate our representative without delay so that the Committee can proceed at once with a through inquiry into the whole matter."

That demand was met. Therefore, there was no reason to ask for any outside assistance. What did they do? This is the first demand on the other side for an impartial inquiry. We said, "All right, name your representative and we shall name ours." Not one word has since been heard of an impartial

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inquiry or a Committee to set up an impartial inquiry. They went back on it completely.

The next thing that happened was on 18 October, when the Prime Minister of Kashmir sent a wire direct to the Governor-General of Pakistan as follows:

"Ever since 15 August even in spite of agreement to observe standstill agreement on matters on which agreement existed on 14 August with British India, increasing difficulties have been felt not only with regard to supplies from West Punjab; postal system has also been most detrimental to peoples as well as to the administration. Saving bank accounts refused to be operated. Postal certificates not cashed. Cheques by branches here of West Punjab banks not honoured, even Imperial Bank branches hard put to meet obligations owing failure of remittances from Lahore Currency Officer. Motor vehicles registered in the State have been held up at Rawalpindi. Railway traffic Sialkot to Jammu has been discontinued. While the State has afforded safe passage to about one *lac* Muslim refugees from Pathankot to Sialkot the Rawalpindi people have murdered and wounded in cold blood over 180 out of party of 220 Kashmir nationals being conveyed to Kohala at State request. People armed with modern long-range firearms have infiltrated in thousands in Poonch and committed horrors on non-Muslims murdering maiming looting them and burning their houses as well as kidnapping women.

"Instead co-operation asked for through every possible local as well as provincial authorities and Central Authority paper promises have been actually followed" by more rigorous action than before. Press and radio of Pakistan appear actually to have been licensed to pour volumes of fallacious libellous and false propaganda. Smaller feudatory States have been prompted to threaten even armed interference into the State. Even private people in Pakistan are allowed to wire unbearable threats without any check by the Pakistan Dominion Post Offices. To crown all the State is being blamed for acts which actually are being committed by

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Pakistan people. Villages are being raided from Sialkot in a ddition to actual infiltration in Poonch. The Government cannot but conclude that all is being done with the knowledge and connivance of local authorities. The Government also trusts that it would be admitted that these acts are extremely unfriendly, if not actually bordering on inimical.

"Finally the Government wish to make it plain that it is not possible to tolerate this attitude longer without grave consequences to the life and property of the people which it is sacredly bound to defend at all costs. The Government even now hopes that you would personally look into the matter and put a stop to all the iniquities which are being perpetrated. If unfortunately this request is not heeded the Government fully hope that you would agree that it would be justified in asking for friendly assistance and oppose trespass on its fundamental rights. Telegraphed His Excellency Governor-General Pakistan repeated Premier Pakistan Dominion."

An answer to this telegram was sent by the Governor-General of Pakistan to the Maharaja himself:

"I have received telegram of 18 October from your Prime Minister regarding the situation in Kashmir which, I regret, was released to the Press before it reached me and before I could deal with it. My Government have already been in communication with your Government and I deplore that your Prime Minister should have resorted to the tone and language adopted in his telegram to me which embodies a threat to seek outside assistance and is almost in the nature of an ultimatum. This is hardly the way for any responsible and friendly Government to handle the situation that has arisen.

"On 15 October your Prime Minister sent a telegram to my Government making similar allegations in the same offensive manner as have been repeated in this telegram of 18 October now addressed to me without waiting for the reply to his earlier telegram from my Government. My Government have already replied to that telegram on 18 October and this reply shows

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clearly that your Government's wholly one-sided and *ex-parte* allegations cannot be supported. Since your Government have released to the Press the telegram addressed to me under reply my Government have no other course left open and have therefore decided to release to the Press their reply referred to above refuting your Government's allegations.

"The allegation in the telegram under reply that the standstill agreement has not been observed is entirely wrong. The difficulties that have been felt by your administration have arisen as a result of the widespread disturbances in East Punjab and the disruption of communications caused thereby particularly by the shortage of coal."

The Council has already appreciated what was happening between East and West Punjab. As far as Delhi, practically no movement of trains was taking place. Therefore, everything had stopped moving. Consequently, there was a shortage of supplies everywhere. It was not that the Pakistan Government was unwilling to fulfill its part of the standstill agreement, but they were unable to do so owing mainly to these disturbances and also to one further fact: that, owing to the massacre of Muslims that was going on in various parts of the Kashmir Province, the lorry drivers from Rawalpindi, the railhead for that part of Kashmir —a distance of roughly 200 miles from Srinagar— refused to carry coal into the Kashmir State unless they were given military escort which would protect their lives on the way, and the West Punjab Government was not in a position to be able to provide military escort, which they explained in another telegram.

The telegram from the Governor-General of Pakistan to the Maharaja of Kashmir continues:

> "These difficulties have been felt acutely by the West Punjab Government themselves. The difficulties with regard to banking facilities were caused by lack of staff in the various banks and cannot be laid at the door of the West Punjab Government who have in fact tried their best to ensure protection to the banks. The failure of remittances from the Lahore Currency Officer has nothing to do with the Pakistan

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Government since the Lahore Currency Officer is under the Reserve Bank of India."

All these West Punjab banks were non-Muslim banks. It is not that they were either Government banks or Muslim banks; they were non-Muslim banks. So, if they were not honouring their obligations, it was not their fault. But as a matter of fact, they were not Wilfully refusing to honour their obligations. Owing to all these disturbances, it was very difficult to get a staff to attend to business; banks remained closed most of the time and could not transact business.

The telegram from the Governor-General of Pakistan continues:

"Your Government's complaints regarding Press reports and telegrams by private persons are also wide of the mark. Your Government do not realize the fact that there is no censorship in West Punjab. The complaint about local and provincial authorities is thus wholly unfounded. It is a travesty of the truth to call the promises of the Central Government paper promises as your Government alleges. My Government adhere to those assurances and have every intention of carrying out the standstill agreement.

"In order to remove the various difficulties relating to communications and supply of goods, my Government suggested long ago that representatives of the Governments of Pakistan and Kashmir should meet. That request was ignored. In the circumstances I am reluctantly forced to the conclusion that these unfounded allegations and accusations are only a smokescreen to cover the real aim of your Government's policy. A recent instance of this policy is the differential treatment accorded to leaders of the Kashmir National Conference and the Muslim Conference. On the one hand, your Government has released Sheikh Abdullah, who was tried and convicted of high treason, removed the ban on his colleagues and allowed the National Conference organization a free field in which to carry on their propaganda.

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"On the other hand, Mr. Ghulam Abbas and his colleagues, whose alleged offence was only that they disobeyed the order banning the meeting of the Muslim Conference, are still rotting in jail and the Muslim Conference organization is not allowed its elementary right of civil liberties. The course which your Government is pursuing in suppressing the Muslims in every way, the atrocities which are being committed by your troops and which are driving Muslims out of the State, the various indications given in the Press, particularly the release to the Press of your Prime Minister's telegram addressed to me containing unfounded allegations, and the threat to enlist outside assistance, show clearly that the real aim of your Government's policy is to seek an opportunity to join the India Dominion, as a *coup d'etat*, by securing the intervention and assistance of that Dominion.

"This policy is naturally creating deep resentment and grave apprehension among your subjects, 85 per cent of whom are Muslims. The proposal made by my Government for a meeting with your accredited representative is now an urgent necessity. I suggest that the way to smooth out the difficulties and adjust matters in a friendly way is for your Prime Minister to come to Karachi and discuss the developments that have taken place, instead of carrying on acrimonious and bitter controversy by telegrams and correspondence. I would also repeat that I endorse the suggestion made in your Prime Minister's telegram of 15 October, and accepted by my Government in their reply of 18 October, to have 'an impartial inquiry made into the whole affair'."

So, far, three steps have been taken. When the trouble first arose, there were allegations of non-fulfilment of the agreement with regard to supplies from the Kashmir side. There were allegations of raids in Pakistan territory and the massacre of Muslims inside the State, from the Pakistan side, and it was suggested that a representative of the Pakistan Government should go to Kashmir and discuss these matters, on the spot, with the Prime Minister of the Kashmir State. As a matter of fact the Joint Secretary in the Foreign Office at Karachi was dispatched for the purpose. The courtesy shown to him when

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he arrived was that the Prime Minister refused to hold any discussion with him. That was the first attempt of Pakistan to settle matters by amicable adjustment.

The second step was this request, on 15 October, by the Prime Minister of Kashmir, for an impartial inquiry. We accepted to once and we telegraphed our acceptance, asking them to nominate their representative and stating that on hearing from them, we would nominate ours. We heard nothing more about it. This was repeated in the Governor-General's telegram of 20 October.

He then made a further suggestion. He said that instead of carrying on these acrimonious and bitter accusations against each other by telegraph, he still suggested that a meeting take place. He suggested that the Prime Minister might come down to Karachi to discuss matters. This was turned down. Reports of atrocities and raids in West Pakistan territory continued to be received.

On 21 October a telegram which was addressed to the Prime Minister, Kashmir and Jammu State Srinagar, was received from Karachi. This telegram stated as follows:

> "In our telegram No. 241 R.C./47 dated 12 October 1947 we drew your attention to the grave situation in Poonch. Reports since received indicate that a reign of terror has been let loose in Poonch and that terrible atrocities are being committed by Dogra troops operating in Poonch area. Large numbers of refugees are crossing from Kashmir territory into Pakistan and they relate stories of inhuman barbarity. Serious anxiety regarding safety of their families in Poonch area is being felt by Pakistan military personnel whom it is exceedingly difficult to reassure in absence of any clear reports or assurances from you. Request immediate detailed report of conditions and assurances of security for Muslim life and property."

Another telegram in regard to the raids reads as follows:

> "In our telegram No. 242 R.C./47 dated 12 October 1947 we drew your attention to the series of raids made from

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Jammu State into Sialkot District and asked you to take immediate and firm action to stop them. In your telegram of 15 October you have said nothing about the action that you are taking to stop these raids which are still continuing. A report from the West Punjab Government dated 20 October states that a Jammu State *jatha* armed with Bren guns and rifles attacked Sialkot border villages. They killed 18 persons and burnt one village after loot. Similarly two Muslims and one Christian killed by Jammu soliders firing near Suchetgarh and several villages near State border burnt. Muslims of border villages are evacuating. This is a most serious State of affairs to which your Government must put a stop."

Several other telegrams were dispatched with reference to raids which had taken place. After the so-called accession which took place on 26 October, the Government of India troops anded in Kashmir on 27 October. The Security Council is now aware of the geographical and economic situation which exists in Kashmir and Pakistan. It is also aware that Kashmir had concluded a standstill agreement with Pakistan. There was a standstill agreement which existed between Pakistan and the Government of India. This request for accession was made and accepted as set forth in the written statement which was read out by the Indian representative, as contained in the letter to Lord Mountbatten and Lord Mountbatten's acceptance of that request [*227th meeting*].

There was no intimation either from the Government of Kashmir or from the Government of India to the Pakistan Government that this was taking place or was about to take place. If the situation in Kashmir was causing grave anxiety—and it might very well be causing grave anxiety—then when the appeal was made to the Government of India, it was surely the business of the Government of India to get in touch immediately with the Government of Pakistan and say something to this effect: "Both of us are interested in this. Can we not get together to remedy the situation?" Were they not willing at the very least to notify the Government of Pakistan that the

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landing of troops in Kashmir was intended? No intimation was given. There was no opportunity for discussion and no opportunity to partake of joint action in order to arrive at a settlement.

By their own action, the Government of India now makes a complaint that Pakistan should have joined them in settling the problem. However, by their own action the Government of India put any kind of joint action or settlement out of the question. I should repeat that proposals from our side for joint action were made. The only intimation that was received was after the troops had landed in Kashmir on 28 October. On 28 October the following telegram was received from the Prime Minister of India by the Prime Minister of Pakistan:

> "I have communicated to you the text of the telegram sent to the Prime Minister United Kingdom regarding the Kashmir situation. I have also sent to you the text of the correspondence with the Governor-General of India and the Maharaja of Kashmir regarding accession of Kashmir State to Indian Union. I have sent a further message to the Prime Minister of United Kingdom informing him of imminent peril to Srinager and Kashmir from raiders and of action we have taken to give protection to people there. I want to invite your Government's co-operation in stopping the raiders entering Kashmir territory from Pakistan. These raids have already resulted in wide-scale death and destruction and if not stopped immediately will lead to ruin of Kashmir. The consequences of success of such irresponsible raiders anywhere will before long reach all over India. Therefore, in the interests of Pakistan and India, such raids must be stopped. As raiders come across Pakistan territory, it should be possible to stop them there.

"I wish to assure you that the action that the Government of India has taken has been forced upon them by circumstances which put Srinagar in imminent and grave danger. We have no desire to interfere in affairs of Kashmir State after raiders have been driven away and law and order established.

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"In regard to accession also, it has been made clear that this is subject to reference to people of State and their decision. The Government of India has no desire to impose any decision and will abide by the people's wishes, but these cannot be ascertained until peace and law and order prevail. Protection of Kashmir from armed raiders thus become first objective and in this we trust we shall have your co-operation."

The letters written by the Maharaja and the letters written by Lord Mountbatten in reply were enclosed. This is the reply from the Prime Minister of Pakistan:

"I have received your telegrams, including that of 29 October, to which I replied. The position is that Sikh attacks on Muslims in East Punjab in August greatly inflamed feeling throughout Pakistan and it was only with greatest difficulty that Pathan tribes were prevented from entering West Punjab to take revenge on Hindus and Sikhs. In Poonch, Muslims were attacked, and those in Jammu massacred by mobs led by Kashmir State forces, and when it was evident that there was to be a repetition in Kashmir of what had happened in East Punjab, it became impossible wholly to prevent tribes from entering that State without using troops who would have created a situation on the frontier that might well have got out of control.

"Your recent action of sending troops to Kashmir on the pretext of accession has made things infinitely worse. The whole of the frontier is stirring and the feeling of resentment among tribes is intense. The responsibility for what is happening is entirely yours. There was no trouble in Poonch or Jammu until State troops started killing Muslims. All along the Kashmir Government has been in close touch with you. At the same time they ignored or refused our offers of friendly discussion. On 2 October, I suggested that both Pakistan and Kashmir should appoint representatives to discuss supplies to Kashmir and mutual allegations of border raids. The Prime Minister of Kashmir replied that he was too busy. When in spite of this we sent Shah Joint

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Secretary Ministry of Foreign Affairs and States to Kashmir, the Prime Minister refused to discuss with him.

"On 15 October, the Prime Minister of Kashmir threatened that unless we agreed to an impartial inquiry into what was happening he would ask for assistance to withstand aggression on his borders. We immediately agreed to an impartial inquiry. Since then no more has been heard from Kashmir of this proposal.

"The Pathan raid on Kashmir did not start until 22 October. It is quite clear therefore that Kashmir's plan of asking for Indian troops—and it could hardly have been unilateral—was formed quite independently of this raid, and all evidence and action taken shows it was pre-arranged.

"It would seem rather to have been made after failure of their troops to suppress the people of Poonch and in anticipation of the reaction which they expected to their massacre of Muslims in Jammu.

"I, in my turn, appeal to you to stop the Jammu killings, which still continue. Yesterday West Punjab was again invaded by a well-armed mob, who, after a fight with villagers, retreated, leaving two Gurkha soldiers in uniform dead behind them. As long as this sort of thing continues, passion are bound to become further inflamed."

At that time it was suggested that a conference should now take place at Lahore, where the Governor-General of Pakistan and the Prime Minister of Pakistan both were then—and they were both ill—to which the Governor-General of India, Lord Mountbatten, and the Prime Minister of India, Pandit Jawaharlal Nehru, together with the representatives of Kashmir, should be parties.

An intimation of this was conveyed to the Prime Minister of the United Kingdom, who was perturbed over the turn that the affairs had taken and was anxious that the situation should be resolved by mutual discussion and adjustments. The first suggestion for this conference was 29 October, but it could not take place as Pandit Jawaharlal Nehru was not well enough to

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be able to travel from Delhi to Lahore. It was therefore postponed to 1 November, at which time it was hoped that all six —the three Prime Ministers, the two Governors-General, and the Maharaja of Kashmir—would be able to attend.

On 1 November Pandit Jawaharlal Nehru was still unable to attend, but Lord Mountbatten came to Lahore. There was a discussion between Lord Mountbatten, the Governor-General, and the Prime Minister of Pakistan. What transpired it contained in the following telegram, addressed by the Prime Minister of Pakistan to the Prime Minister of the United Kingdom:

> "I think you for your telegram No. 327 of 31 October and further message of same date regarding situation in Kashmir. The conference, which was arranged to be held in Lahore on 1 November, did not take place because suddenly, on morning of 1 November. Lord Mountbatten telephonically informed the Governor-General of Pakistan that Pandit Nehru was not well enough to go to Lahore and that, therefore, he alone was coming to attend the meeting of the Joint Defence Council, of which he is chairman; that he hoped to take the opportunity of meeting the Governor-General of Pakistan; that since he was only a constitutional Governor-General he could not negotiate a settlement. In this way the idea of a conference has receded into the background for as the Indian Dominion is concerned; but if the Indian Government had wanted it, the Deputy Prime Minister would have come in place of Pandit Nehru."

We have been charged by the representative of India with refusing to co-operate in trying to bring about a settlement of this situation. We offered to send a representative for discussion in Srinagar, the Joint Secretary of the Foreign Department, who also deals with the States, The Prime Minister of Kashmir did not extend to him even the courtesy of discussing the situation. We were then asked to agree to an impartial inquiry. We agreed to an impartial inquiry, and we asked that Kashmir nominate its representative and said that we should also do so. We heard nothing more about it. The Governor-General of Pakistan himself then suggested to

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the Maharaja of Kashmir that he ask his Prime Minister to come to Karachi for personal discussions with the Pakistan Government so that some amicable way out of the situation might be found. Then we suggested a conference. In the meantime, the troops having been landed and the accession having been staged, we suggested a conference at Lahore among the three parties. The suggestion was at first accepted, but as the Pr ime Minister of India was unable to travel to Lahore, owing to an indisposition, the conference was not held on the date originally suggested. It was postponed until three days later. Again it could not be held, as the Prime Minister was still unable to make the journey. However, as explained in this telegram, with the situation so grave, if the Prime Minister himself was unable to make the journey, surely there was nothing to stop him from sending the Deputy Prime Minister, and it so happens that in the Government of India the Deputy Prime Minister is the official who is in charge of the States Department.

In Pakistan the Prime Minister at that time who was also Foreign Minister, was in charge of foreign affairs as well as the Indian States Department, and I, as the Foreign Minister at the present time, now am charged with the same responsibilities. However, in the Government of India, the Prime Minister is Minister for Foreign Affairs, but it is the Deputy Prime Minister, Sardar Patel, who is the Minister in the States Department. Therefore, it would not have been a case merely of deputizing a Prime Minister since the appropriate Minister himself could have been present. But nobody came.

Security Council

TWO HUNDRED AND TWENTY-NINETH MEETING

Continuation of the Discussion of the Situation in Jammu and Kashmir

53. Speech made by Sir Mohommed Zafrullah Khan Pakistan on 17th January 1948

When the Security Council rose yesterday afternoon, I was at

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the stage when the Pakistan Government was trying to arrange a tripartite conference between representatives of the Dominion of India, the State of Kashmir, and Pakistan itself. I had explained that the conference could not be held on 29 October 1947 owing to the indisposition of the Prime Minister of India. It was postponed to 1 November, but it could not be held then owing to the some cause.

However, Lord Mountbatten, the Governor-General of India, came to Lahore to preside over the Joint Defence Concil, and certain conversations took place with him. I was reading yesterday from the telegram sent by the Prime Minister of Pakistan to the Prime Minister of the United Kingdom, explaining the situation. I shall continue to read from this telegram in order to present some idea as to what happened between the Governor-General of Pakistan and the Governor-General of India on that occasion. The telegram goes on to say:

> "The two Governor-General met at Lahore and had a long discussion on 1 November. The upshot of the discussion was that the Governor-General of Pakistan made the following proposals to the Governor-General of India for the acceptance of the India Dominion:
>
> "1. To put an immediate stop to fighting, the two Governors-General should be authorized and vested with full powers by both Dominion Governments to issue a proclamation forthwith, giving forty-eight hours' notice to the two opposing forces to cease fire. The Governor-General of Pakistan has no control over the forces of the Provisional Government of Kashmir or the tribesmen engaged in the fighting, but he will warn them in the clearest terms that if they do not obey the order to cease fire immediately, the forces of both Dominions will make war on them;
>
> "2. Both the forces of India Dominion and the tribesmen to withdraw simultaneously and with the utmost expedition from Jammu and Kashmir State territory;
>
> "3. With the sanction of the two Dominion Governments,

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> the two Governors-General to be given full powers to restore peace, undertake the administration of Jammu and Kashmir State, and arrange for a plebiscite without delay under their joint control and supervision."

This was the proposal put forward on behalf of Pakistan. Lord Mountbatten was requested to place these proposals immediately before the Dominion of India and to get their acceptance of them. The Governor-General of Pakistan undertook to do likewise. The Governor-General of Pakistan is still awaiting a reply from the Governor-General of India.

The telegram proceeds as follows: "On the evening of 2 November 1947, a day after the return of Lord Mountbatten to Delhi, Pandit Nehru broadcast what he calls the decision of the India Government, and it is most unfortunate that he should have thought fit to do so in the manner and language that he has used. Leaving aside the highly provocative attacks on the Pakistan Government, the proposal he has put forward is full of most dangerous potentialities, and will not bring peace to Kashmir. As long as the forces of the Dominion of India are on Kashmir's soil, the struggle of the Kashmir people will go on. What the Indian Government called the restoration of law and order is no more than an attempt to oppress, kill, terrorize and drive out the Muslim population of Jammu and Kashmir until, like East Punjab and the Indian States in East Punjab, the composition of the population is entirely changed.

"Pandit Nehru's broadcast indicates clearly that the India Government intend to complete their occupation of Jammu and Kashmir and get entire control over its territory, under the superficial, attractive slogan that ultimately the fate of Kashmir will be decided by the people of Kashmir. Pandit Nehru has even avoided the use of the word 'plebiscite' and has spoken of a 'referendum', which might mean anything. After the India Government have established complete mastery over the territory of Jammu and Kashmir, the holding of a plebiscite or referendum will be purely a force.

"In the meantime, feelings throughout West Pakistan and tribal territories are running very high and will soon get beyond all control. After the ghastly massacres in East Punjab, it is

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impossible to expect the people to witness patiently a tragedy on an equal scale in Jammu and Kashmir.

"Very little news of Jammu is allowed to reach the outside word, but the situation there is extremely grave. According to our information, thousands of Muslims are being massacred every day. In Jammu City itself, 90,000 Muslims are bottled up and are in imminent peril of their lives. The problem is so inflammatory and dangerous that it requires an immediate solution. All this was fully impressed upon the Governor-General of India in the talk that the Governor-General of Pakistan had with him.

"The Pakistan Government are convinced that the only solution which will avoid further bloodshed, and bring peace to Jammu and Kashmir and get a free verdict of the people of the State and restore friendly relations between the two Dominions, is that proposed by the Governor-General-of Pakistan. Immediacy is essential. Every day that passes counts and makes the situation more and more dangerously grave. I once more urge upon you to take immediate action without a moment's delay, or else the consequence will be beyond control and most disastrous, having much wider repercussions not only in this sub-continent, but throughout the world."

This was the fourth attempt to settle the matter by negotiation, and every one of these attempts was made on behalf of Pakistan. We had first offered to send a representative to discuss matters with the Kashmir Government, and actually sent him, but the Prime Minister of Kashmir declined to discuss the matter with him. The Prime Minister of Kashmir then asked for an impartial inquiry, and we at once agreed. We asked them to nominate their representative, and we have heard nothing further with regard to that. We then suggested that the Prime Minister of Kashmir should come to Karachi to discuss matters, so that a wasy might be found out of the situation by amicable means. This offer was not accepted.

We then made this suggestion after the situation had deteriorated a great deal by the unilateral action that the Dominion of India had taken without consultation with us —without any reference to us—in sending their troops into Kashmir. This

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was a suggestion which, if adopted, could easily have stopped any further bloodshed in Kashmir. Either the tribesmen who were comming in from outside would have taken the warning issued to them and stopped the fighting, or the two Dominions together would have fought them and excluded them from Kashmir and Jammu territory. But this again was turned down, and therefore, no solution along these lines became possible.

No direct reply was given, but the Prime Minister of India subsequently explained that he had dealt with the matter in his broadcast. In the subsequent telegram that he dispatched on 8 November 1947, he still adhered to the position that the Government of Pakistan should publicly undertake to do their utmost to compel the raiders to withdraw from Kashmir, and that the Government of India would repeat their declaration that they would withdraw their troops from Kashmir soil as soon as the raiders had withdrawn and law and order had been restored.

On 10 November 1947, the Prime Minister of Pakistan addressed another telegram to the Prime Minister of India, which was sent from Lahore and not from Karachi Lahore and Delhi are much closer to each other than Karachi and Delhi are. Between Lahore and Delhi there is a distance only of about 300 miles, and there is direct rail and air communication. Between Karachi and Delhi there is a distance of about 650 or 700 miles, and though there is direct air communication, there is no direct rail communication. One has to travel via Lahor. The telegram state:

> "If I had been fit enough to travel, I should have come to Delhi, but unfortunately I am still confined to bed. I therefore invite you to come to Lahore at an early date convenient to you for a discussion of outstanding puestions and hope that you will be able to accept this invitation."

In reply, there was a long telegram from the Prime Minister of India, but this point is dealt with in the following two paragraphs:

"Sheikh Mohammad Abdullah is at present the hean of the

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Kashmir Administration, and anything relating to Kashmir must necessarily have his approval and consent."

I should like to ask, at this point, if that is any way of settling a problem? Sheikh Mohammad Abdallah is the President of the National Conference in Kashmir, one of the two contending political parties, which takes a view on this matter of accession which the other party repudiates. He has been associated with the administration of Kashmir by the Maharajah, no doubt at the suggestion of the Prime Minister of India. When a suggestion is made that the two Prime Ministers should meet to find a solution of this problem, the Prime Minister says that Sheikh Mohammad Abdullah being at present the head of the Kashmir Administration—that is to say, the gentleman who is their own nominee for that purpose—anything relating to Kashmir must necessarily have his approval and consent. That prejudges the whole question of the plebiscite.

The telegram of the Prime Minister of India goes on to say: "I would be glad to meet you to discuss these other matters, but for the next few days I am completely tied up with an important meeting of the Congress Working Committee and the All-India Congress Committee. The Constituent Assembly follows immediately after. Our meeting, I hope, would be helpful, but it can only bear results when all raiders have been driven out of Kashmir and the Pakistan Government has declared its firm policy to the exclusion of these raiders from Kashmir."

Again I appeal to the Security Council. The two matters in controversy between the two Governments were how to deal with this situation, including the incursion of the tribesmen into Kashmir, and how the free plebiscite to enable the people of Kashmir to express their unfettered choice in the matter of accession is to be arranged. The Prime Minister of Pakistan makes this fifth attempt to come to some settlement, and invites the Prime Minister of India to Lahore so that together they may be able to find a way out.

The Prime Minister of India lays down two conditions. One condition is that in order to determine what shall be done

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to get rid of the so-called raiders from Kashmir, "You must first get rid of them before we will talk of how to get rid of them."

The second is that in order to decide how a free plebiscite shall be held in Kashmir, in order to ascertain and determine whether the view of Sheikh Mohammad Abdullah, that is to say, of the National Conference, shall prevail, or whether the Muslim Conference has greater support. "You must first accept Sheikh Mohammad Abdullah as the head of the administration, without whose consent and approval nothing can be done.

That, in effect, was the reply. These are the two questions to be determined, but they must first both be decided in favour of the Dominion of India's view, before any conversation can be held as to how they are to be dealt with!

Thereafter, the Prime Minister of Pakistan sent a telegram to the Prime Minister of India on 16 November, stating that he was issuing a Press statement, and enclosing the text of it, from which I shall read one or two extracts. The Prime Minister of Pakistan said in this Press statement:

> "We have made repeated attempts to persuade the Kashmir Government to discuss these questions with us, but they were determined to join the Union of India against the will of the people of Kashmir by a *coup d'Etat*. The India Government in direct and clear repudiation of the principles on which they had questioned the accession of Junagadh to Pakistan, and without any reference to or consultation with the Pakistan Dominion whose security is vitally affected by events in Kashmir, occupied Kashmir by military force and have, since the very first day of their entry into Kashmir been engaged in putting down the Muslims there by force. Pakistan territory itself has been twice violated by the Indian forces; bombs have been dropped in our territory in the vicinity of the Kohala Bridge and our police post at Garhi Hobibulla in the District of Hazara has been machine gunned by the Indian Air Force."

Then, after detailing what steps had already been taken by

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Pakistan to bring about an amicable settlement of these matters, the Prime Minister of Pakistan goes on to say: "There is not the slightest doubt that the whole plot of the accession of Kashmir to India was pre-planned. It cannot be justified on any constitutional or moral grounds. It is quite clear now that what the India Government are after is permanent occupation of Kashmir. They can maintain this occupation only by liquidating the Muslim population of Jammu and Kashmir, who are now suffering military repression in its worst form, and who are struggling for their freedom, and, indeed, for their very existence, against heavy odds. The India Government's whole conduct is based on 'might is right' and on the belief that Pakistan is unable to fight them. If the Indian Government are allowed to follow their imperialist land-grabbing policy, this will have repercussions not only in Asia but throughout the world."

The telegram goes on to say: "The fundamental principles of the Charter of the United Nations is to prevent might prevailing over right. The whole dispute should, therefore, be brought before the bar of international opinion. We are ready to request the United Nations immediately to appoints its representative in the Jammu and Kashmir State in order to put a stop to fighting and repression of Muslims in the State, to arrange the programme of withdrawal of outside forces, set up an impartial administration of the State until a plebiscite is held, and undertake the plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession. We are prepared to accept a similar solution of the dispute regarding Manavadar and Junagadh."

The Prime Minister of Pakistan also, in his telegram to the Prime Minister of India of 19 November, pointed out:

> "I notice that you are not prepared to have a discussion until those whom you call raiders are driven out of Kashmir, and also that anything relating to Kashmir must have the approval and consent of Sheikh Mohammad Abdullah. This is hardly a constructive approach to the Kashmir problem.

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"In view of the stand you have taken, I see no other way to a peaceful settlement except a reference of the whole question to the United Nations. I sent you a copy of the Press statement I issued on 16 November, in which I have made this proposal. I hope you will agree that in the present circumstances this is the only fair and peaceful solution."

This was the sixth offer made by Pakistan.

In reply to this, the Prime Minister of India said in his telegram of 21 November:

"The specific suggestions regarding the reference to United Nations in your Press statement are:

"1. The United Nations should immediately appoint representatives in Jammu and Kashmir in order to put a stop to fighting and repression of Muslims in the State.'

"Since the United Nations have no forces at their disposal, we do not see how they can put a stop to fighting or to alleged repression of Muslims. This can only be done by an organized military force, and is being done by our troops. The fighting would also stop as soon as raiders were made to withdraw, and I have repeatedly asked your co-operation in stopping transit and supplies to raiders through Pakistan territory.

"'2. To set up an impartial administration of the State'.

"It is not clear to me what the United Nations can do in the present circumstances in Kashmir until peace and order have been established. We are convinced that Sheikh Abdullah's administration is based on the will of the people and is impartial. Only he who goes to Kashmir and sees things for himself can appreciate this. Moreover, we have pledged that, so long as our forces are in Kashmir, protection of all sections of the community will be their first and sacred duty. This duty will be discharged without fear or favour.

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"3. To undertake a plebiscite under its direction and control for the purpose of ascertaining the free and unfettered will of the people of the State on the question of accession.'

"I have repeatedly stated that as soon as the raiders have been driven out of Kashmir or have withdrawn, and peace and order have neen established, Kashmir should decide the question of accession by plebiscite or referendum under international auspices such as those of the United Nations. It is very clear that no such reference to the people can be made when large bodies of raiders are despoiling the country and military operations against them are being carried on. By this declaration I stand."

He added, in the last paragraph of this telegram: "I did not suggest that the Pakistan Army was participating in the raiding officially. We possess, however, incontrovertible evidence that members of the Pakistan Army, whether on leave or deserters, have joined the raiders, and that military equipment which can only have come from the Pakistan Army has been in the possession of the raiders."

For the reasons set forth in these paragraphs which I have read out—for whatever they are worth—that suggestion was not immediately taken up. On 22 December, however, a letter was delivered to the Prime Minister of Pakistan which contained the proposal to refer the matter to the Security Council in the form which it has actually been referred.

In the meantime, the Prime Minister of Pakistan had addressed the Prime Minister of the United Kingdom in a telegram dated 24 November, in which he had said:

"The oft-repeated promise of the India Government and Pandit Nehru that they are willing to have a plebiscite in Kashmir is intended to mislead the world. There is no dispute that a plebiscite must be held as early as possible, asserting the free will of the people of Kashmir. This is not the question in dispute; this is axiomatic. The real issue is how this is to be done.

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"You say the question has become intractable. It has been made purposely so by the India Government. If the India Government is honestly and genuinely desirous of a fair and peaceful settlement of the Kashmir question, they should immediately agree that fighting must cease and not take shelter behind the slogan that the raiders must be driven out. It is not the so-called raiders, but the people of Kashmir, who are fighting against heavy odds to end Dogra tyranny and to prevent Kashmir from falling into the hands of the Indian Dominion.

"The *Azad* Kashmir forces are almost wholly composed of the sons of the soil, and even foreign observers have testified that, wherever they have gone, they have been welcomed as forces of liberation. We are ready to exercise all our influence on the *Azad* Kashmir forces to stop fighting and to see that any tribesmen with them are not only stopped from fighting, but are made to leave Kashmir. These tribesmen, it should be remembered, are the kith and kin of those for whom they are fighting."

The telegram went on to say: "The India Government's insistence upon the retention of their troops in Kashmir until they have restored law and order to their own satisfaction can only mean that India troops will stay in the State until they have crushed by military force all opposition to their permanent occupation of Kashmir. The methods by which the maintenance of law and order is used to consolidate an alien rule are well known. The Muslim population of the State has been feeling the impact of these methods in full force. The true leaders of the Muslims and the politically conscious among them are, with their families, the special targets of this repression".

Practically all the leaders of the Muslim Conference are actually in gaol, and anybody who has made himself vocal on the matter of accession to Pakistan has been rounded up. My information is, although I have not been able to check it, that certain parts of Srinagar town, where there was a great feeling in favour of accession to Pakistan, were at one time cut off from the benefits of the ordinary municipal services.

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The telegram of the Prime Minister of Pakistan then continued: "In spite of the protestations of the India Government, the number of Muslim refugees into Pakistan swells day by day and is now over 200,000. All these refugees bring with them horrible tales of most inhuman atrocities. I repeat that what the India Government is after is permanent occupation of Kashmir, and they know that they cannot achieve this object until they have changed the composition of the population by converting the Muslim majority into a minority. Behind their high-sounding phrases stands this hideous reality, the elimination and demoralization of a whole population by violent means, and any proposal which fails to tackle this basic fact offers no real solution.

"The above analysis shows that, first, fighting must stop and all outside forces must withdraw; and, secondly, what is no less essential, that the Kashmir administration must be taken over by an impartial and independent authority immediately. Not until these conditions are fulfilled is there any hope of getting a free plebiscite, which, in our opinion, need not wait till the spring.

"I hope you now realize the actual position. If you will consider these basic facts, you will, I hope, support our proposal that the United Nations should immediately send out a commission to undertake the tasks outlined in paragraph 5 above. This commission should have under it an international police force to maintain law and order. The composition of this force can be left to the decision of the United Nations commission. We, on our part, would be prepared to accept a force drawn solely from the Commonwealth."

On 12 December, the Prime Minister of India telegraphed to the Prime Minister of Pakistan as follows:

> "We have given further thought in the light of our discussion in Lahore to the question of inviting the United Nations to advise us in this matter. While we are prepared to invite United Nations observers to come here and advise us as to the proposed plebiscite, it is not clear in what other capacity United Nations help can be sought.

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"According to your own declaration to us, you are not party to the present struggle in Kashmir. We cannot treat with irregular invaders as a State. No government can deal with such raids which have brought death and destruction to Kashmir except by military means. We owe an obligation to the people of Kashmir to restore peaceful and normal conditions, and we pledge ourselves to this end. We would be glad to co-operate in an attempt to restore peace by settlement."

A curious point is raised here. We say "Let us refer the question to the United Nations." The answer is, "You are not a party". Therefore, who shall go as a party before the United Nations and who shall treat as a party? India says to us: "You are not a party and the raiders are not a State. We cannot treat with them. Therefore, apart from sending observers from the United Nations, what can the United Nations be invited to do?" And all the time, a complaint is being made that Pakistan is not co-operating, that Pakistan should be called upon to do certain things when Pakistan itself suggests and invities the procedure that the United Nations be approached in order to find a way of settlement, of arranging a plebiscite, of impartial administration, and so on. Oh yes, but there is this difficulty "You are not a party to the dispute".

Before I go on to the reply sent by the Prime Minister of Pakistan to the Prime Minister of India in his telegram of 16 December, I should like to read further from the telegram which I was reading, the telegram sent by the Prime Minister of India. It continues as follows:

"I trust that you will appreciate the logic and the reasonableness of our position, and our earnest desire to find a solution that is honourable to all concerned. I hope to meet you when you visit Delhi on 22 December to attend the next meeting of the Joint Defence Council and to discuss this matter further with you.

"I confess, however, that I find myself unable to suggest anything beyond what I have offered already: namely, to

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ask the United Nations to send impartial observers to advise us regarding the plebiscite."

In his reply on 16 December, the Pakistan Prime Minister said the following:

"As you know, I am most desirous for a settlement of all matters in the dispute between India and Pakistan. So are my colleagues, and I agree with you that the main issue outstanding between the two dominions is Kashmir, and, as I pointed out before, Junagadh.

"During our discussions in Delhi and Lahore, I explained to you how vital a place Kashmir occupies in relation to Pakistan. The security of Pakistan is bound up with that of Kashmir, and the ties of religion, cultural affinity and economic interdependence bind the two together still closer. The security and well-being of the people of Kashmir are of the highest importance to the people of Pakistan. We are therefore vitally interested in peaceful and honourable conditions for the people of Kashmir so that, free from pressure, external or internal, they might, of their own free will, decide to which Dominion they wish to accede. The test of any course of action should therefore be whether it leads to the creation of conditions in which a really free plebiscite can be held.

"To my mind, the problem can only be solved by an act of statesmanship in the light of the basic realities of the situation, and not by legal disputations as to how Pakistan is a party to the dispute and how the United Nations can be brought in.

"I hope that when we meet on 22 December, we shall be able to discuss the matter in this spirit."

On 12 December, as I said, that message was handed over by the Prime Minister of India to the Prime Minister of Pakistan. It said that the Government of Pakistan did a, b, c, d, e, and that the matter must be referred to the United

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Nations and to the Security Council. That finishes the history of the attempts made to settle the matter amicably. Every one of these attempts was made on the side of Pakistan. Yet today, the position is taken up on behalf of India that Pakistan has refused to co-operate in order to try to find a solution. Here are at least seven attempts which were made, each of which was turned down by India.

I now come to some of the specific allegations that have been made in the statement entered on behalf of India the day before yesterday [*227th meeting*] with regard to Pakistan's complicity, as it described, in the situation in Kashmir. The representative of India starts with a statement that they were innocent even of all knowledge of what was going on in Kashmir until the eve of Kashmir's accession to India. He said: "India came into the picture of the present developments on Kashmir only on the eve of signing the instrument of accession. Since then"—that is, 22 October—"we have come to know of the pressure that had been exercised by Pakistan for obtaining the accession of the State."

He then goes on to set down incidents of what he thinks was pressure put upon Kashmir to accede to Pakistan, but he does try to make out a case of complete lack of knowledge even of what was happening in Kashmir. It was only on the eve of the accession that they came to know anything at all about these matters.

However, I would request the members of the Council to examine the verbatim record of the statement of the Indian representative. He stated:

> "India was, of course, vitally interested in the decision that the State might take in regard to accession." Being vitally interested, they invite the Council to believe that though they were interested in the decision, they took no interest in what was happening. The paragraph continues as follows: "Kashmir, because of her geographical position, with her frontiers contiguous with those of countries like the Union of Soviet Socialist Republics and China, is of vital importance to the security and international contacts of India.

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> Economically also, Kashmir is intimately associated with India. The caravan trade routes from Central Asia to India pass through Kashmir State."

Is it to be believed that the Government of India did not know what was going on or contemplated with regard to accession, that they did not try influence it? I have some knowledge of the methods—tender, affectionate, persuasive—that the Dominion of India has employed in persuading the States to accede to India.

I am sure the representative of India will for give me if, as a result of that knowledge and that experience, I refuse to believe as true the statement that the Government of India took no interest in and was not aware of, what was happening in Kashmir. "Nevertheless," the representative of India continued, "we have at no time put the slightest pressure on this State to accede to the Indian Dominion, because we realized that Kashmir was in a very difficult position." Indeed, the Government of India had been so anxious about these matters that in the case of Junagadh, which legally, constitutionally and legitimately acceded to Pakistan, they have carried out their obligations in respect to such accession in the most scrupulous manner. We shall come to the details of this matter when the Security Council reaches the second part of its agenda.

"While a standstill agreement with India was being negotiated," the representative of India continued, "we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan."

A few paragraphs after this statement appears the following: "Since then, we have come to know of the pressure which had been exercised by Pakistan for obtaining the accession of the State." I do not admit that any pressure was being exercised. I cannot give an explanation of that, but here the Indian Government alleges that while a standstill agreement was being negotiated, "we learned that pressure was being applied on Kashmir by the Pakistan authorities with a view to coercing it into acceding to Pakistan. At first we did not pay any serious

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attention to the reports we received. At that time all the energies of the Government of India were strained to the utmost in achieving the task of effecting a gigantic transfer of population on a vast scale. But the reports about the application of coercive pressure began to come with increasing frequency. In or about the month of September, the position became really serious." Yet the knowledge of all this contained in all the reports which were coming in contemporaneously was obtained by them after the accession.

With regard to this scrupulousness with which they observed the standstill agreements on either side, I will at this stage cite only one instance with respect to Kashmir. I will not complicate the matter by taking up Junagadh.

I explained yesterday to the Security Council what the standstill agreements mean. Kashmir had arrived at a standstill agreement with Pakistan with regard to her communications, supplies, and post office and telegraphic arrangements. This agreement became operative on 15 August. By this postal arrangement, the postal and telegraphic services in Kashmir were run by the Pakistan Government. Yet, on 9 September 1947, before any kind of trouble or dispute had arisen, the Postmaster General of Ambala in East Punjab—and therefore within the Dominion of India—posted Risha Rejena, an officer of the Dominion of India, in charge of the Kashmir Postal Division. This fact would be unbelievable, if it were not true.

A division took place between the two Dominions on 15 August 1947. Between the two Dominions themselves and apart from Kashmir, the entire Kashmir Postal Administration is allotted to Pakistan. That is anarrangement which exists between the two Dominions. There is an arrangement between the Dominion of Pakistan and the State of Kashmir whereby the Kashmir postal telegraph services will be run by Pakistan. Yet on 9 September 1947, their postal authorities deliberately appoint one of their officers in charge of the Kashmir Postal Division, without any intimation to this effect being received by the Government of Pakistan from the Government of India. No explanation was given for this unwarranted interference with the operation of

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the standstill agreement. The Postmaster General of West Punjab reported this in his telegram of 17 September 1947 to the Pakistan Government. A protest was lodged with the Government of India by a telegram which states "Foreign, New Delhi" in its heading. No reply to this telegram has been received. Yet, the Indian Government States that it did not take an interest in those affairs and has not intervened in any manner. What is this, if not an attempt to disrupt the operation of the standstill agreement between Kashmir and Pakistan?

Further, the Director-General, Postal Telegraph, New Delhi, in his memorandum dated I September 1947 forwarded to the Director of Postal Services, General Post Office, London, included a list showing the mail to be sent to the Dominion of India and the different towns therein. This memorandum included stations in the State of Jammu and Kashmir as if these States formed a part of the Dominion of India. This statement indicated that all mails for the Kashmir State were to be consigned to the Dominion of India. I have here copies of these documents. This one States in its heading: "Indian Postal Telegraph Department, No. D, 65-46/46, Office of the Director-General of Postal Telegraph, New Delhi, 25 September 1947. To the Director of Postal Services: GPO, London E.C. 1." After setting out what arrangements are to be made and what instructions are being issued in the schedule, information relative to what bags are to be made up and for what places they are to obtain correspondence is laid down. This is with regard to letters and packets for Assam, West Bengal and for Kashmir. It is similarly relative to airmails for Delhi, for the Kashmir State and for such and such places.

Another directive from the Director-General of Postal Telegraph at New Delhi which is addressed to all foreign postal administrations and which bears the number D 98-2/47, dated 27 September 1947, has as its subject "Make up of airmails for the Dominions of India and Pakistan." It is signed by the Director. Included are several places in East Punjab and Kashmir.

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They had already included Kashmir in their Dominion on 27 September, four weeks before there was any move, according to them, on the part of the Maharaja to accede to the Dominion of India.

Acts speak very much louder than mere professions of innocent intention, and innocent conduct. When Pakistan protested, no notice was taken of the protest. Yet, they were not aware of what was going on; they were completely indifferent in respect to the difficulty in which Kashmir was placed.

Again, it is said by India: "We did not even think of accession or a military action until 24 December". Sheikh Mohammad Abdullah, who had been convicted and sentenced—most unjustly, I am quite certain myself—on a charge of treason, and who had already been in jail for eighteen months or so, was suddenly released—and I am happy that was so—and proceeded to Delhi. For what purpose? What was he doing there? I am not suggesting he was doing anything unlawful, but I am suggesting that he was negotiating the terms of accession to the Government of India, on behalf of His Highness the Maharaja of Kashmir, against whom—according to the Maharaja of Kashmir, not according to me—he had been guilty of treason for which he languished in jail for eighteen months. He was already there even ahead of 22 October, the first date on which any incursion is alleged to have taken place from the North West Frontier Province into Kashmir. But it is said that pressure was being applied on behalf of Pakistan against Kashmir, to induce Kashmir to accede to Pakistan. The pressure is suggested as having been applied in the form of stoppage of supplies which should have gone on normally under the standstill agreement.

I already explained yesterday what the conditions were in East Punjab and West Punjab during that period. Practically no normal traffic was moving between the two territories. None could move. There was so much killing going on. The only traffic was that of refugees, and they sometimes, even when under military escort, were massacred. Therefore, it was not only Kashmir that was suffering from lack of supplies; West Punjab itself was suffering from lack of supplies. If under

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those conditions, difficulties were experienced in moving supplies, it was not a pressure being put upon Kashmir; it was due to the circumstances then existing. This was explained in the telegram of 20 October from the Governor-General of Pakistan to His Highness the Maharaja of Kashmir.

Then, railways in Western Pakistan were experiencing great difficulty in maintaing services—even behind their frontiers, where this question of refugees and killings and massacres was not acute—owing to lack of coal. Coal had to come from the Dominion of India. The Dominion of India was experiencing difficulties in the matter of supply of coal to Pakistan, and Pakistan, consequently, was experiencing difficulties in running its railways and other communiations.

Then there was a third factor. The Dogra troops were killing Muslims inside the State of Kashmir, and Muslim lorry-drivers of vehicles that would normally have carried these supplies from Rawalpindi into Kashmir refused to move, even in respect of such supplies as were already available inside West Punjab, unless military escort was provided. It was repeatedly explained to the Kashmir authorities that the West Punjab Government, having regard to much more urgent calls upon them, was unable to supply military escort for these lorries. These and others were the reasons for the interruption of supplies, and not any kind of pressure that was being put upon the Kashmir Government to decide one way or the other.

The next grievance that is stated by the Indian representative is that the difficulties that were being experienced by the Kashmir Government, and which were placed before the Governor-General of Pakistan in the telegram of the Prime Minister of Kashmir of 18 October, were not adverted to, or were not specifically dealt with by the Governor-General.

This matter is dealt with in the portion of the representative of India's address setting forth the telegram of the Kashmir Prime Minister. After he has quoted the telegram, his first sentence reads as follows: "The Governnor-General of Pakistan, in his reply dated 20 October 1947, made no effort to answer the specific accusations." I have already read that telegram from the Governor-General of Pakistan to the Maharaja of

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Kashmir. I shall draw attention again to a part of that telegram and leave it to the Security Council to decide whether an attempt had or had not been made, in that telegram, to meet the specific allegations.

I shall read from the telegram of the Governor-General of Pakistan, dated 29 October 1947, to His Highness the Maharaja of Jammu and Kashmir. Paragraph 3 reads as follows: "The allegation in the telegram under reply that the standstill agreement has not been observed is entirely wrong. The difficulties that have been felt by your administration have arisen as a result of the widespread disturbances in East Punjab and the disruption of communications caused thereby, particularly by the shortage of coal. These difficulties have been felt acutely by the West Punjab Government themselves. The difficulties with regard to banking facilities were caused by lack of staff in the various banks and cannot be laid at the door of the West Punjab Government, who have in fact tried their best to ensure protection to the banks. The failure of remittances from the Lahore Currency Officer has nothing to do with the Pakistan Government, since the Lahore Currency Officer is under the Reserve Bank of India. Your Government's complaints regarding Press reports and telegrams by private persons are also wide of the mark. Your Government do not realize the fact that there is no censorship in West Punjab. The complaint about local and provincial authorities is thus wholly unfounded."

These were the specific allegations; these are the replies. May be in dealing with the matter at this stage it might be contended, either on behalf of Kashmir or on behalf of the Dominion of India, that they were not satisfied with these replies or that they were not willing to accept them as satisfactory. But surely, in a responsible document which practically amounts to a complaint charging a State with failing in its obligations, it was not proper to say that the Governor-General of Pakistan, in his reply dated 20 October 1947, "made no effort to answer the specific accusations"—and this is only one paragraph that I have read from that very long telegram.

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Here was an answer to every one of the specific accusations made. But the impression sought to be created in it is clear. This long telegram from the Prime Minister of Kashmir is set out—quite properly; I am making no complaint on that score—detailing the grievances, and in one sentence the reply is disposed of by saying that no attempt was made to meet the specific accusations; whereas in none of the telegrams and replies from the Kashmir Government, several of which I read to the Security Council yesterday, was any attempt made, in spite of our repeated demands, to meet the charges made by us with regard to the massacre of the Muslim population of Kashmir by Dogra troops, with regard to the numerous raids —as many as a hundred—of which I have particulars here, from Kashmir territory into West Punjab territory, and other similar matters which were repeatedly brought to the notice of the Kashmir Government.

It has unfortunately become a habit with the Government of India simply to deny whatever they find is inconvenient either to deal with or to answer. I cited an instance, from personal knowledge, of my own home yesterday. I have made no representation. The news came; I read it; I was story. I knew these incidents were happening on an extensive scale. It was no time to mourn over the loss of one individual home when so many people were suffering much more grievous misery at the time. But some of my friends, as I said, in the Indian delegation itself, came to express their sympathy to me. I expressed the same point of view to the Indian delegation, but apparently the leader sent a telegram to her brother the Prime Minister, and the astounding reply came back that inquiries had been made by the Government and nothing had happened at Qadian. When one receives that kind of reply, one knows how much faith to place in the denials and the declarations of a Government of that kind.

Further accusations are made with regard to the specific matter of incursions into Kashmir itself, and it has been said that the Pakistan Government is guilty, on the evidence which has been instanced and which, it is said, is in the possession of the Government of India. For instance, the Indian statement

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says, "Captured vehicles have Pakistan number plates on them." That is to say, vehicles captured in Kashmir have Pakistan numbers on them. But what is there to show that those vehicles were not in Kashmir on legitimate business or had not proceeded, so far as Pakistan is concerned, into Kashmir on legitimate business and that they were not subsequently captured? There is no evidence that the Pakistan Government, as such, employed those private vehicles. The number plates merely mean that they were registered in Pakistan, not that the Government of Pakistan employed those vehicles for some nefarious purpose. But surely there is a wide gulf between a vehicle or several vehicles bearing Pakistan number plates being in Kashmir, where ordinarily they would be in large numbers in any case and the Pakistan Government's being responsible for having employed them for some nefarious purpose against the Government of Kashmir.

Then the representative of India said that somebody observed that petrol was supplied at Pakistan pumps, without coupons or payment, to motor lorries carrying tribesmen. All that is meant and that could be meant by "Pakistan pumps" is petrol pumps in Pakistan territory. There are no Government pumps maintained by the Pakistan Government, by the Indian Government or by any other Government. The distribution of petrol throughout India—and here I use the word in the larger sense in which it was employed before 15 August 1947—is arranged by the oil companies themselves under their own organization. There is no Government organization for the distribution of petrol. That is point number one.

When it is said, "without coupons," that in itself is an admission that the Government was not authorizing the issue of this petrol. If the Government had authorized the issue of this petrol, it would have issued coupons for it. When it is said that petrol is being issued without it coupons, that means that either the companies or the managers of the pumps were doing something illegal in the nature of black market activities, or, if the petrol was really issued without payment, they were doing something out of their sympathy for this movement. Even if the allegation is taken at its worst—and one does not know whether

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the allegation is correct or incorrect in itself—they were doing something illegal in order to help this movement which was going on in Kashmir. How is the Government implicated when it is a matter of the issuance of petrol without coupons? It it were said that some Governmental department had issued coupons in order to procure petrol for these vehicles, there would be a measure of responsibility to be laid upon somebody.

Yesterday when I was making my submission I read reports from foreign correspondents in which they pointed out that in East Punjab and in Delhi itself there was a large movement of jeeps and other vehicles using petrol, taking Sikh killers about from one place to another, and they wondered who supplied the petrol and who supplied the arms. I am not talking now of Patiala State or Kapurthala State or of Nabha State, where it might be said the State authorities were involved. I am talking of East Punjab and of Delhi itself, the capital of India. Who supplied the petrol? If it was supplied in exchange for coupons, then it must have been the Government. If it was done without coupons, then apparently, under the very nose of the Government of India in the Indian capital itself, there are means of obtaining petrol in that way, let alone in far-away places near the frontier where there obviously cannot be so much supervision and so much observance of incidents happening as there can be in the capital of the Indian Dominion itself. But so much play having been made of petrol having been supplied without coupons, I assume that in Delhi it was always supplied with coupons to enable these people to go about and kill Muslims. Those coupons must have been issued by the Government of India.

It is then said that these people have arms of various descriptions and that those arms could only have come from the Pakistan Government. In the first place, anyone who is familiar with conditions on the North-west frontier of India will certainly know that these independent tribes have always been in the habit of accumulating quite large stores of arms by all sorts of means, legitimate as well as illegitimate. As a matter of fact guns, rifles and so on are manufactured by them. Whether by raids, by illicit purchase, or by stealing, they

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always get them, and other arms also. As a matter of fact, it is the saying all along the frontier that no young tribesman can obtain a bride unless he has first obtained a first-class rifle and can prove himself to be an expert in its use. So far as the Pakistan Government is concerned, the Government of India itself is the witness of how much military stores it has so far, under the settlement, itself handed over to the Pakistan Government, from which the Pakistan Government, out of its surplus, could supply these stores for use by these people. As a matter of fact, one of the matters to which attention has been invited by the Pakistan Government in its representation to the Security Council is the failure of the Government of India to hand over to the Pakistan Government its due share of military stores. Pakistan is woefully short of its quota, much less could it supply anybody out of it.

It is then said that these people who originally were without greatcoats and uniforms now have them and other things. This is another bit of evidence used against the Pakistan Government—that it must have supplied these people with these articles. I shall presently be able to show that all of these people within the Kashmir territory itself, sixty thousand to seventy thousand in Poonch alone, who had been fighting in the forces of the United Nations, upon their demobilization were permitted to retain their uniforms and their badges. Therefore, that in itself is a good enough explanation. But equipment of that kind namely clothes and so on, after the end of a war such as the one through which the world has recently gone, and all sorts of military stores, arms and ammunition, are in certain areas of the world floating about loose, and a good deal of illicit traffic in them is going on. We may pretend innocence in these matters as much as we like, but we know what is happening in different parts of the world. These supplies are not difficult to obtain. Quite large quantities of this type of clothing and equipment have been legitimately disposed of and are being disposed of by the Disposal Department of the Government of India itself. Anybody can go and buy this type of equipment, including steel helmets. It is much more difficult today for an honest man to try to procure by honest

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purchase a decent overcoat than it is to get a much better and much warmer army greatcoat. It is the same with regard to everything else.

In the first place these people may have those supplies legitimately because large numbers of them have been in the armed forces, and upon demobilization they were allowed to retain those articles. These people may have obtained those articles illegitimately. They allege that they have obtained these quite large quantities of material from the State troops themselves, who deserted or ran away when the population rose against them. They may have obtained the material illicity or illegitimately, but to pretend that the Pakistan Government is supplying them when the Government of India knows that it has withheld from Pakistan its due share of military stores is to add insult to injury.

It is then said that camps for training in small arms and elementary tactics have been established on the Pakistan border to train, if you please, these independent tribesmen in elementary matters of warfare. I would again invite the attention of the representative of India to the fact, which he can ascertain from any British military officer who has served on the frontier, that the tribesmen stand in no need of training in the use of small arms and in military tactics. If that had not been so, one of the biggest headaches which had always confronted the British administration in India would not have arisen. These tribesmen have never stood in need of training in the use of arms. They manufacture arms, and they start playing with them as children.

It is not necessary to ask anyone about this fact. Let anyone take a trip on the road from Peshawar to Kohat through tribal territory. The road was British but it now belongs to the North West Frontier Province. On both sides of the road dwell the independent tribesmen. I have been along that road twice and I was amused to find one ragged tribesman with a rifle slung over his shoulder, minding two donkeys that were grazing. I also saw two village ministrels proceeding from one village to another, possibly going to entertain at a wedding and earn a few pennies, each having a rifle slung over his shoulder.

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No one in that area dares move about without having a rifle. And to talk about their being trained in the use of these weapons!

In the Indian statement it is then said that the methods employed by these people indicate that they are lead by professional soldiers. Of course there are, as I have said, as many as 70,000 professional soldiers in Poonch itself who have served during this past war. What greater experience do you want in any soldier? They are there and they are subjects of Kashmir; they are the people of the Maharaja. These are the people whom he tried to suppress and massacre by the use of his State troops which ran away, leaving their equipment, at first contact when these people rose. What more professional soldiers are wanted to lead these people? They are there; they are Kashmiris; they are subjects of Kashmir and they are inside the State.

It is then said that the Prime Minister of Pakistan had said that it was possible—the Prime Minister of Pakistan is not like the Government of India which denies everything and states that nothing could have happened—that men of Poonch, while on leave at home, finding that their kith and kin were being murdered, had taken part in these uprisings. The Government of India raised their hands in horror and stated that it seems extraordinary conduct for an army to allow its officers and men to go on leave and omit to take disciplinary action against them for participating during their leave in fighting against a neighbouring and friendly country. The very first protest to which I drew attention yesterday over the massacres in Kashmir from Pakistan was based on this.

We stated, "We are particularly perturbed because large numbers of officers and men of our army are drawn from these areas and they are becoming very disturbed. Will you kindly look into the matter and stop this kind of thing happening, otherwise we shall be faced with a very grave situation." If, when they go home on leave, these officers or men find that their people are being massacred or persecuted, and if some of them take a hand in whatever is going on, it is nevertheless not a case of allowing them to go on leave in order to take part in

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the fighting. Again, unless we know which of them have taken specific part, what kind of action can we take against them? That is the situation, and whatever may be the technical aspect, what would any human being do under those circumstances? As I said yesterday, there is a big human question involved quite apart from technicalities and legalities.

We know what has already happened in the States in East Punjab—every Muslim wiped out or expelled. We know what has happened in East Punjab itself, the territory of the Dominion of India—five million Muslims driven across the border and about one million killed, so that apart from a few thousand, there is none of the six million left in that area. Then something of that kind starts in kashmir. How is what is happening in Kashmir different from what happened in Kapurthala, an Indian State with a non-Muslim rular and a majority of Muslim population the whole of which has been got rid of, having been massacred or expelled? That kind of thing begins and it is expected that men who are only just on the other side of the border—serving in the army it is true—should, when they come home on leave, observe complete impartiality and neutrality. They are expected to say, "My brother may have been killed, my father may have been killed, my wife may have been raped and my children butchered, but I am a member of the Pakistan forces and must not retaliate." That kind of thing might be expected of angels, but it cannot be expected of human beings. I will say that a man would be a despicable coward if, under those circumstances, he did nothing to help.

Further on in the Indian statement the grievance is formulated that Press propaganda goes on against Kashmir and the Dominion of India in the Pakistan newspapers. In the first place, the Press is free, and in the second place no secret is made of the fact that sympathy of the Muslims in this struggle would be on one side. Thirdly, if what the Press in a country says makes the Government of that country guilty, then what about the Press cuttings I quoted yesterday? What about the Hindu *Mahasabha's* suggesting that the mere fact that a man says, "I am a Muslim" should be made a crime in the Dominion of India? Is the representative of India willing

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to accept the responsibility for that on behalf of his Government? Would it be fair to charge the Government of India with the responsibility for someone having published that? How then, is it fair to charge the Pakistan Government with responsibility for what the Press might say?

In these circumstances, and against the back-ground of, horrors to only some of which I drew attention yesterday, it is true that some of the provincial ministers have given expression to utterances from which it would have been wise to refrain. Nevertheless, one hopes that even when they become ministers they do not cease to be human beings. As I have said, to expect, when all this kind of thing is going on, that because he is a minister a Muslim should not give expression even to his sympathy or to his wishes, is to expect either what would be more than human or what would be less than human.

Constitutional questions, legalities and obligations of States apart, any person who failed either to feel or to express sympathy with the victims of the kind of thing I described yesterday—irrespective of whether the victims were Muslims or non-Muslims—and who failed to utter the strongest condemnation of the aggression that is and has been going on, whether Muslims or non-Muslims were the agressors, would be less than human and would not deserve to be called a man.

It is complained in the address of the representative of India that no effort has been made by Pakistan to stop these independent tribesmen from coming in. By this time the Security Council is aware that 22 October 1947 was the crucial date in that respect. This is a telegram from the North West Frontier Government to the Pakistan Government at Karachi on this date:

> "Large number Muslim refugees have entered Hazara District bringing harrowing stories of atrocities committed by Kashmir forces. Precautionary measures have been taken along the border to stop tribesmen and local inhabitants from entering Kashmir. About 100 arrests have been made of persons trying to cross the border. Leading gangs have been bound under security to keep the peace and prevent

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their followers from seeking retaliation. The influx of refugees has created a very tense atmosphere. Some retaliatory incursions are probable as many stretches of the border are remote from normal communications and inaccessible to control. Addressed to Frontier Pakistan, repeated to Foreign Karachi."

Again, a person has to be familiar with the terrain to know that over these hundreds of miles of frontier there are only two or three roads for traffic, but that whenever they please the tribesmen can storm over the hills, most of which are inaccessible to any kind of vehicular traffic and cannot be negotiated except by people climbing like goats into the neighbouring districts of the North West Frontier Province or of Kashmir State.

Alex Campbell, a *Daily Mail* reporter, in a dispatch published in that paper on 17 November 1947, wrote:

"Five thousand tribesmen who arrived in Abbottabad yesterday were refused entry into Kashmir by the Pakistan authorities. We crossed the Jhelum natural boundary between Pakistan and Kashmir by the suspension bridge into Poonch, once a sovereign State but now only a district of Kashmir. The boast of the Poonchis, ninety-five per cent Muslim, it that with a population of five hundred thousand they have supplied more soldiers and won more medals than any other part of India. Eighty thousand of them served abroad with the Indian Army. The old major at Pattan who insisted"—a point to which I will return later when I have finished reading this report—"on my taking off my shoes and massaging myself because I was stiff after riding, said, 'During two wars we served you faithfully. There has never been a case of a Poonchi soldier breaking his oath to the King Emperor. You repay us now by abandoning us now that we can no longer serve you. Not only that, but Mountbatten, sends his planes and soldiers to kill us because, tired of being slaves, we have risen against our oppressors.' Everywhere I went during the five days I spent with the troops at Kotli and Poonch, where bloody battles

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were in progress, I heard the same thing time and again. It is never the Indian Army; it is always Mountbatten's planes, soldiers or artillery that they are fighting. It was useless telling them that what Mountbatten did was not necessarily by the British. To them he is an Englishman, a relation of the King for whom they fought faithfully. He accepted the accession of Kashmir against the wishes of the people and sent his troops to subjugate them, so it must have been done on orders from the King."

The representative of India then stated further that the Prime Minister of Kashmir has categorically challenged the correctness of the allegations made against him. What does he deny? The first allegation is that we offered to send and did send a representative of the Foreign Office to discuss matters with him: their grievances over supplies, our grievances over the raiding that was taking place. He declined to discuss the matter with our representative. Has he denied this?

I have been told, though I do not have the means of confirming this, that the Prime Minister does make a denial. What he denies is that he refused to see our representative; but he does not deny that he refused to discuss matters with him.

The present Prime Minister of Kashmir is a well-known friend of mine. We practised together at the Lahore bar. He subsequently became a judge of the Lahore Higher Court. I have known him for long years and I have known him as an extremely subtle lawyer. He denies that he refused to see this officer. He does not deny that he refused to discuss the matters with him. Our allegation is that he may have received him technically, but he told him that he was not prepared to discuss these matters with him.

What does he deny? Again, our allegation is that he asked for an impartial inquiry. He told us that unless we gave heed to his demand for an impartial inquiry he would call outside assistance. We agreed to the impartial inquiry. He did not proceed with it.

What does he deny? Does he deny that he made a demand for an impartial inquiry? Does he deny that we accepted his

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demand? Does he deny that he has refused to proceed with it? What does he deny?

The third allegation we make is that these two efforts having failed, we invited him to come down to Karachi to discuss matters so that we might find an amicable way out of the situation. He did not come. What does he deny? Does he deny that we asked him, or does he assert that he came? What are the allegations that we make against him which he denies, which he categorically denies?

Then we are assured, "Our only interest is to see peace restored in Kashmir." Yes, but what kind of peace? So far as the Muslims are concerned, your interest, no doubt, is to restore the kind of peace you have restored in East Punjab. Your object, no doubt, is to restore the kind of peace that you have restored in Delhi. Your object, no doubt, is to restore in this Indian State the kind of peace that prevails in other Indian States, in East Punjab and the neighbouring area, which are in accession with you.

However, to the Muslim that is the peace of the grave; that is the peace of annihilation; that is the peace of banishment. Are you surprised that your definition of peace should not be acceptable to the Muslims? I have no interest in the kind of peace that you restore.

Then great play is made over the Maharaja now becoming a constitutional ruler. What he will become we shall see; what he has been we know. It would be common sense, it would be wisdom to judge a situation on the basis of what we know rather than on the basis of what is merely held out as a prospect.

Then, the Indian statement says that they desire that peace be restored. We do not differ over the objective as stated. We desire that peace be restored; we have repeatedly said that fighting must stop at once and that means must be taken to stop it. However, we differ over the definition of what you call peace and what we call peace, what you call order and what we call order, what to you is law and what to us is law.

They then say in the last part of their statement—and when the representative of Indian read it, I thought perhaps it was

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an invitation that they and we should join in this matter to bring about peace—"To my friends from Pakistan, I would, therefore address this question: You have welcomed this reference to the Security Council. Are we jointly so bankrupt of faith in the need for peace, in human decency and dignity that we cannot, even at this late stage, agree upon your taking the action which it is so obviously your duty to take and your calling us to co-operate with you in implementing it, should you consider our assistance necessary?"

It is of a piece with the reply given by the Prime Minister of India to the Prime Minister of Pakistan when he invited him, on one of these occasions, to meet and discuss matters together. He said, "Yes, there should be a discussion of the matters in dispute—that is to say, how the incursion of tribesmen into Kashmir is to be stopped and how a plebiscite is to be arranged. You want me to discuss these matters, but these matters can only be discussed when you have stopped the incursion of tribesmen into Kashmir and got rid of them from Kashmir, and when you accept the administration of Sheikh Mohammad Abdullah; that is to say, when you accept the administration of the man who says 'We must accede to India.' Then we shall discuss how the plebiscite is to take place."

Then there is a great appeal in the end: Are we jointly so bankrupt that we cannot sit together and persuade you to do what we are asking you to do? Then, if in the doing of it you have any difficulty, we are prepared to help.

The final paragraph deals with Mr. Gandhi's part. It is the desire of all of us that Mr. Gandhi, who is held in such great esteem, both inside India and Pakistan and throughout the world should undergo not one unnecessary moment either of pain or of suffering or of risk, temporary or permanent, to his health or life. In that desire we are together. But surely, if Mr. Gandhi has chosen to bring about communal amity and harmony through the means of a fast, that cannot be used as pressure upon Pakistan to do that which Pakistan finds it against its conscience to do.

I am sure Mr. Gandhi would himself be the first to say that no man should be put in that position. Since the fast was

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started, one has received information that the Government of India has decided that it would no longer withhold Pakistan's share of the cash balances which they were unjustly, unfairly, and illegally holding back. These words are mine, not theirs. We are glad that at least that cause of difference between the two Dominions is likely now to be removed and we welcome that gesture.

They have also apparently announced—as on reads in the newspapers—that they are prepared to hold a plebiscite in Junagadh. I do not know what that means. Junagadh is a State that acceded to Pakistan; it is a State, the territory of which has been forcibly, unlawfully occupied by Indian forces. The only gesture they can make with regard to Junagadh is to get out of Junagadh, and to restore the lawful ruler to the State. Thereafter, they can demand, if they so choose, that a plebiscite be held in Junagadh, to ascertain the free and unfettered will of the people of Junagadh on the matter of accession. If they do that, they will not find Pakistan unresponsive.

I should like to discuss one last matter, though it is not in the sequence I have been following, as I refrained from discussing it in order to give it special attention. A British officer was quoted as saying that he had observed certain concentrations of Pakistan troops and personnel along the roads outside Jammu; that is, outside Jammu on the road that leads to Sialkot. Jammu and Sialkot are only twenty-eight miles apart and the boundary runs somewhere between.

Sialkot is one of the big cantonments in Pakistan. It is not surprising that there may have been Pakistan troops in Sialkot. It would have been very surprising if there had not been because it is one of the places where troops are concentrated normally

But with regard to the whole of this business of Pakistan taking a hand, or its military personnel taking a hand, in this affair, I would draw attention to the various communiques issued by General Sir Frank Messervey, Commander-in-Chief of Pakistan forces, a British officer held in highest esteem. On 30 October he issued the following communique:

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"Rumours have been circulated that troops of the Pakistan Army are being employed within the borders of Kashmir. These rumours are entirely untrue. No Pakistan troops have been used in Kashmir."

Next, on November, it was stated that there if absolutely no truth in the allegations made by the Government of India that serving Pakistan Army officers are directing operations in Kashmir against State forces.

And on 15 November: "Pandit Nehru is reported to have stated in a public speech in Delhi on 6 November that the invading armies in Kashmir had modern weapons and were directed by officers of the Pakistan Army. The Commander-in-Chief of the Pakistan Army categorically states that no weapons have been supplied to the tribesmen from the Army, nor has any serving Army officer played any part in the planning or direction of tribal operations in Kashmir."

And on 3 January: "The attention of the Army authorities has been drawn to a report published in a certain daily newspaper alleging that two battalions of the Pakistan Army have deserted and are fighting in Kashmir. This report is absolutely baseless and malicious."

"No units of the Pakistan Army have deserted," states a communique published by Army headquarters. "Numerous reports insinuating Pakistan Army's complicity in Kashmir fighting have appeared in the Indian Press for some time past despite categorical denials from Pakistan Army headquarters. It is well known that thousands of soldiers have been released from the Indian Army and large numbers of them belong to Jammu and Kashmir areas. These soldiers on release were provided with one suit of army uniform with their regimental badge on them. If any such persons have been seen, captured or killed, they are not and cannot be called Pakistan soldiers. The only Pakistan soldiers who are permitted to go to Kashmir are serving soldiers on their normal annual leave. These true soldiers are not being permitted to carry their arms with them."

This is true so far as the Pakistan Army is concerned.

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One matter to which attention is drawn in the Indian statement is that the tribesmen, when they captured Baramula, committed certain atrocities, including atrocities against the inmates of the local convent there. I have no knowledge and my Government has no knowledge with regard to what has actually been happening inside the Kashmir State, except so far as reports have appeared or communications have been directly addressed to my Government. But in that connexion, it has been alleged that some of the atrocities that are now being attributed to the tribesmen—and we have no knowledge with regard to whether that is true or false—were committed by the Sikh bands which were operating in that area also. I am unable to assert whether that is true or false.

However, here is something which is interesting in that connexion. This is a letter addressed by Mary Philippa, Mother Superior for all the Sisters of Saint Joseph's Hospital, Baramula, Kashmir, to Begum Shahnawaz and her daughter Miss M. Shahnawaz on 1 January 1948. I have the original letter here. The Mother Superior says:

> "We cannot let this season of greetings pass without sending you a very affectionate remembrance from us all with our prayers and every best wish for a very happy New Year and God's blessings on all your undertakings. We will never forget how you two brave girls of the Pakistan Voluntary Service risked your lives to save us from Baramula when the bombing and machine-gunning from the air made our situation there dangerous and impossible."

The bombing and machine-gunning must have been done by the Indian Army. It has, so far, not yet been alleged that the tribesmen have any aircraft at their disposal.

The letter from the Mother Superior goes on to say: "Be sure we shall never forget you and we want to come to see you again. We have been so busy making clothes for ourselves and working at war refugee camps."

The letter is written from Rawalpindi; it goes on to say:

> "We hope to go back to Baramula soon. Otherwise, I think we shall all join the *Azad* Kashmir forces. Please accept a

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very tiny present we have made for you as a sign of our gratitude and remembrance of you both. Yours affectionately, Mary Philippa."

In the letter that the Maharaja wrote to Lord Mountbatten, offering his accession—and that letter evidently was drafted by Mr. V.P. Menon of the States Department of the Government of India, who was then in Kashmir, obviously advising the Maharaja on what steps to take in regard to his accession—the following is stated: "The people of my State, both Muslims and non-Muslims, generally have taken no part at all in these troubles."

Apparently, the case that it is sought to make out here is that all this trouble comes from the tribesmen, that it is outsiders who have made an incursion into the State and disturbed the peace of that beautiful and happy valley. That is an entirely untrue picture of the whole situation. The correct picture is that the Maharaja, for purposes of his own, let his troops loose upon his people in certain areas, particularly in Poonch; that he let the bands of Sikh and *Rashtriya Sewak Sangh* volunteers create havoc in certain parts of the Jammu Province of his State; and that against these barbarities the people of the State rose in revolt.

It is admitted that the whole of Gilgit—in some respects the crucial portion of Kashmir, inasmuch as its border joins the border of the Union of Soviet Socialist Republics in the North-west—has thrown off the Maharaja's authority. It is not alleged that any tribesmen have gone into Gilgit. Then who has brought about this change in Gilgit? Obviously the people of Gilgit, the subjects of the Maharaja—they are one hundred per cent Muslims, but they are his subjects nevertheless. Yet, the Maharaja pretends that none of his people has taken part in these doings, that it is only these "outsiders" who are creating the trouble.

Consider the trouble in Kashmir itself. All the Muslims of the Jammu Province, all the Muslims of Poonch, such Muslims of the Valley itself as have any choice in the matter—because, as I have said, the leaders are in gaol and others are being persecuted—are all behind this movement.

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If this is denied, why does not Sheikh Mohammad Abdullah make an effort to persuade the Maharaja, if he has no authority—I understand he is now virtually the Prime Minister—to release his colleagues or opposite numbers, whichever way he regards them, of the Muslim Conference? Why are they being kept in gaol, unless it is for the purpose that the movement for accession to Pakistan should be crushed by all means at the disposal of the Maharaja and those who are advising him?

I have here a statement of a neutral observer. This statement is from New Delhi, 12 January, by Robert Trumbell, special correspondent to the *New York Times*. It reads as follows: "The Indian Government consistently refers to the *Azad* forces as raiders, implying that they are mostly Muslim tribesmen from Pakistan's North-west frontier and native Pakistan. Actually, according to reliable private informants, tribesmen bent solely on loot but with a strong strain of Muslim fanaticism in their nature comprise only about thirty per cent of the *Azad* Army. About five per cent are Pakistanis, and the remaining sixty-five per cent are native Kashmiris in revolt against the Hindu Government of the princely State."

The same is confirmed in an article that has appeared in the middle page of *The Times* of 13 January.

Even with regard to these five per cent Pakistanis, there is this further thing to be remembered. As I have explained to the Council, there are as many as five million refugees from East Punjab in West Punjab today, homeless wanderers, burning with shame and indignation, and with a sense of humiliation over the treatment which they and theirs were subjected to in East Punjab. At the moment, they are without occupation. Any of them who might have gone over into Kashmir to fight there, like the Sikhs who have gone over to kill the Muslims there, cannot in fairness be described as Pakistanis. If we are to proceed in this matter on the basis of niceties, of international and constitutional law, they are nationals of the Indian Dominion. They were expelled from their homes, but nevertheless they are nationals of India. If they go over into Kashmir, the mere fact that they were compelled to leave their homes and to go into Pakistan, and from Pakistan to go to Kashmir,

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does not make them Pakistani nationals. That is the picture; that is the position.

What is happening in Kashmir is a continuance of the process which has reached its culmination in the State of East Punjab and cannot be divorced from it. It would be no answer to say that a good deal of that kind of thing has happened in West Punjab also. I mentioned to the Council yesterday that it has. It is most regrettable, but it has. It is as deplorable that it has happened in West Punjab as it is that it has happened in East Punjab. However, when you are trying to appreciate a picture, you have got to take the picture against its background, and judge human reactions against that background.

The question is: How is this situation to be met? It can be met only in one way. When the people of Kashmir—when I say the people of Kashmir I mean the Muslims of Kashmir, because the Hindus, the non-Muslims, are, at the moment, is no danger of being persecuted—are convinced that there is no further need for apprehension of their being dealt with in the manner in which their co-religionists have been dealt with in the other States—Kapurthala, Faridkot, Jind, Nabha, Patiala, Bharatpur, Alwar and Gwalior—and when there is no further pressure upon them of any kind, they will be in a position to express their desire as to the accession to India or Pakistan.

If, under those circumstances, they are invited to express and make their free choice and if their choice in India, then they have made their free choice and can accede to their choice. If their choice is Pakistan, India should reconcile itself to the fact that their choice is Pakistan and they should be allowed to accede to Pakistan. That is the only anxiety which the Pakistan Government and the people of Pakistan have. It is claimed that India is going into the State merely to restore peace, law and order. It would surely be reasonable to expect that if this were the object of this incursion of the Indian Army into Kashmir, they would first have rid Kashmir of the Sikh bands who had carried out massacres and looting on such a large scale in the Province of Jammu of the Kashmir State.

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Has the Government of India accomplished anything in that direction? Have they cleared these bands out of the Kashmir State? They are as great a menace to the peace and well-being of the people of Kashmir as the tribesmen who have infiltrated from the independent areas. These people are in areas over which the Indian Army has complete control. Has the Government of India accomplished anything in that direction? No. The only instance of peace that Pakistani nationals inside Jammu have discovered is that the Government of India has drawn the attention of the Security Council to the standstill agreement and the working of the postal department inside Kashmir. After the Indian troops had entered Kashmir, the majority of the employees of the Pakistan Government in the postal service who were performing their legitimate duties inside the State of Kashmir were murdered.

The Government of Pakistan made a protest. The only reply which we received to that protest was the usual one. Even though the facts contained in that reply were untrue, the reply was nevertheless received. Dated 26 November, it States: "From Foreign Lahore; to Foreign, New Delhi; Repeated to Pakistan, From Foreign, Karachi: Following from Prime Minister Pakistan to Prime Minister India, under standstill agreement postal agreements are made by Pakistan Postal Telegraph Department. The report has been received that the whole postal staff of Jammu and some other staffs and their families have been massacred. You will agree that this is most deplorable. It is essential that your Government should take adequate measures for protection of our staff working in such areas in the States as are under your control. I shall be glad to know the arrangements made."

The reply comes from "Foreign, New Delhi, from the Prime Minister of India to the Prime Minister of Pakistan: Your telegram dated 26 November, postal staff in Jammu. A report received by you that Muslim staff employed in Jammu Cantonment and other Pakistan staff and their families have been killed, is not repeat not correct. They are safe and adequate precautions have been taken by the Kashmir Government." This is of a piece with their other denials.

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Here is the report subsequently received with regard to what happened: "The Superintendent of Postal Offices, South Division, has new reported that the information received by him so far shows that the officials detailed below have either been killed or seriously wounded and their families were massacred by the Dogra military and *Sewak Sangh* party. One, Mr. Mohammed Shariff, B.A., Official Supervisor, Jammu Tawi, has been killed along with his family. Two, Mr. Mian Khan, Clerk, Sialkot, Head Officer, seriously wounded, and his family members killed. A telegram, copy enclosed, has also been received from evacuees from State territory. It is requested that the question be kindly taken up by the Pakistan Government with the Indian Dominion. Three, Mr. Ismatullah, Sub-Postmaster, Udhampur. The post office and his private quarters were looted and he was killed. Mr. Jamatullah, Sub-Postmaster, Mr. Hashmat Ali, Clerk, and Mr. Ghulam Mohd, Clerk—all these officials and their families were massacred in the post office premises. Seven, Mr. Mohd Asghar, Sub-Postmaster, Riasi—he and his family members were murdered and post office burned. Eight, Mr. Nazir Ahmad Sabir, Sub-Postmaster, Ramnagar: 'Mr. Nazir Hussain, Sub-Postmaster, Batote; Mr. Ghulam Ahmad, Sub-Postmaster, Bhadorwak; Mr. Abdul Ghani. Sub-Postmaster, Kishtwar—all these officials and their families are missing and nothing definite is known about them."

But there is the Indian Government's assurance that nothing has happened. They are perfectly safe: adequate precautions have been taken. This is the kind of peace that these troops have brought to Kashmir and are proposing to bring.

What is to be done? All these details of the efforts made by Pakistan show what the attitude of the Pakistan Government has been. Every effort, every offer, every proposal toward that direction has come from us. We still adhere to all those proposals. All that we want to ensure is this: Everyone who has gone into Kashmir should go out: Sikh bands, *Rashtriya Sewak Sangh* volunteers, other people who have gone in, tribesmen, and any other people who may have gone in from the Muslim side, and men from Pakistan, Muslims who are Indian nationals

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and who were refugees in Pakistan—everybody. They must get out, including Indian troops. Merely because they are troops of the Indian Government, from the point of view of reassurance to the people of Kashmir, makes no difference. Well, indeed, it does make a difference.

It makes this difference: that in East Punjab, in many parts, the Muslims were able to organize themselves and withstand the attacks of the infuriated Sikh mobs or gangs. But they were unable to withstand the attacks of the police and the Army of the Indian Dominion, and they therefore had to leave their villages and get out. Our fear is—and we are convinced that fear is justified—that under the aegis of the Indian Army there will be enacted in Kashmir that which has been enacted in so many other places, including Delhi. There is no reason why that should not be enacted in that remote valley, when it has been enacted under their very noses in Delhi itself.

Therefore, by whatever means may be necessary, the condition to be brought about is this: whether by joint administration under the two Governors-General, by joint occupation of predominantly Muslim areas by Muslim troops from Pakistan and predominantly non-Muslim areas in Kashmir by Indian troops, by joint occupation in each place, by inviting Commonwealth forces, non-Indian forces altogether; or whether through the United Nations—Kashmir must be cleared. Fighting must stop. Kashmir must be cleared of everybody. Normal administration must be restored. There should be no kind of pressure, either from the Muslim Conference being in power and holding the administration or the National Conference being in power and holding the reins of administration. No kind of pressure should be brought upon the people. The people should then be invited to express the way in which they want to go, and whatever they decide, they should be welcome to do it.

I am conscious of the fact that I have taken a great deal—perhaps a great deal too much—of the Security Council's time on this matter, but as the members now realize—and I have no doubt you have realized—this is a grave matter in which the lives of millions of human beings are concerned, apart from all the other repercussions that might ensue. The responsibility on

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the Security Council's shoulders, on the shoulders of the Dominion of India, and on the shoulders of the Dominion of Pakistan, is great and grave. If I have taken the time of this body during the course of a long afternoon and a forenoon in trying to give the members my view of the picture, I am sure I shall be forgiven if, on occasion, I have been boring or have appeared to go into details that did not seem important to the members. I assure them that I have done so out of a spirit of helpfulness so that all the factors in the situation may be realized.

(SCOR, 3rd Year,
Mtg. No. 229, pp. 90-120)

54. *Considerations Submitted by the President of the Security Council after Hearing the Statements Made by the Representatives of India and Pakistan*

The statements of the representatives of the parties concerned reveal the urgency of the situation and the dangers involved if it were aggravated by fresh incidents. That was what I felt at the first meeting which we devoted to this matter. That was why, as President of the Council, I sent the two Governments, before discussing the question at all, and without committing the Council in any way, the telegram [*document S/636*] which I read for my colleagues' information [*226th meeting*].

My second observation concerns the complexity of the situation as it emerges after the statements which we have heard. The situation is indeed so complex that, however prompt the Council may be in considering this question, some time must elapse before it can make the decisions and take the steps incumbent upon it under the Charter.

In these circumstances, it is in my opinion most desirable that the Security Council should itself, today, before any position is taken with regard to the substance of the matter, address itself to the two Governments with all the authority it has, and exhort them to take immediately all measures within their power, including public appeals to their people, calculated

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to improve the situation; and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation.

I think that we should also request the two Governments to inform the Council of any material change in the situation which occurs or appears to either of them to be about to occur while the matter is under consideration by the Council, and to consult with the Council thereon. It seems certain, that even in the initial phase, when its aim is to find out whether the continuance of a situation submitted to it is likely to threaten the maintenance of peace and international security, the Security Council is quite justified in obtaining from the parties concerned, who in this case are Members of the United Nations all the information and that might throw light on its invvestigation.

SCOR, 3rd Year,
Mtg. No. 229 p. 121

55. Draft Resolution Submitted by the President of the Security Council

"*The Security Council*

"*Having heard* statements on the situation of Kashmir from representatives of the Governments of India and Pakistan;

"*Recognizing* the urgency of the situation;

"*Taking note* of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto;

Calls upon both the Government of India and the Government of Pakistan to take immediately all measures within their power (including public appeals to their people) calculated to improve the situation and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

"*And further requests* each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about to

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occur while the matter is under consideration by the Council, and consult with the Council thereon."

I shall be grateful to members of the Council for any observations they may have to make with regard to this draft resolution. If there are no observations, I shall invite the Council to vote on it.

SCOR, 3rd Year,
Mtg. No. 229, pp. 121-22

56. *Text of the Speech of Mr. E.P. Khouri (syria) on the Draft Resolution*

Considering that the final resolution on this subject will take some time, it would be very useful and advisable that the step proposed by the President should be taken immediately in order to avoid any movement or any act which would aggravate the situation. It is a step of appeasement which is valuable, and I therefore support this proposal of the President.

(SCOR, 3rd Year,
Mtg. No. 229 p. 123)

57. *Text of the Speech made by Mr. Gonzafez Fernandez of Colombia on the Draft Resolution*

My delegration welcomed the very timely action of the President in addressing a telegram to the Governments of Pakistan and India, and noted with satisfaction the tenor of the answers, in which both Governments made a very clear declaration of willingness and desire to abide by the Charter of the United Nations and the decision of the Security Council. The delegation of Colombia now welcomes with great pleasure the proposal which has just been made by the President, and will vote for it. In view of the very definite and welcomed declaration of willingness to abide by the Charter contained in the replies to the President's telegram, I should like to suggest—leaving it intirely to the President to draft any addition should my suggestion be accepted—that there should

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be some more concrete reference to the replies of the two Governments.

(SCOR, 3rd Year,
Mtg. No. 229 p. 122)

57. Text of the Speech of the Representative of Canada Mr. General McNaughton on the Draft Resolution

I should like to associate the Canadian delegation with the proposal that the Security Council should issue a call to the Governments of India and of Pakistan in the terms suggested by the President.

I believe that no one who has listened to the statements of the representatives of India and of Pakistan could fail to recognize the urgent and the paramount necessity that the situation should not be aggravated, particularly during the consideration of this matter in the Security Council. It is equally important, of course, that the Security Council should be kept constantly advised of any material change in the situation, and that arrangements should be made immediately for continuous consultation between the Security Council and the Governments of India and of Pakistan concerning any such changes which may come about.

All the members of the Security Council are now fully aware of the gravity of the matter, and pending further recommendation or findings by the Security Council, it is, in the view of the Canadian delegation, imperative that the Security Council urge both parties to take all measures within their power calculated to improve the situation and to refrain from any action which might aggravate it.

For this reason, we of the Canadian delegation sincerely support the resolution which has been submitted in the President's name and in the terms which he has given.

The President (*translated from French*): The third paragraph of the draft resolution is now worded as follows:

> "*Taking note* of the telegram addressed on 6 January by its President to each of the parties and of their replies thereto."

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To comply with the suggestion made by the representative of Colombia the following words might be added to this paragraph:

"...in which they affirmed their intention to conform to the Charter."

(SCOR, 3rd Year,
Mtg. No. 229 pp. 122-23)

59. Text of the Speech of the Representative of USSR Mr. Gromyko on the Draft Resolution

We have heard the statements of the representatives of India and Pakistan and have not yet had time to study them properly, although they are of great importance for clarifying the existing situation in Kashmir and the conditions prevailing there.

As we all know, the Belgian resolution was drawn up before the representatives of India and Pakistan made their statements: it does not take these statements into account. It may be said that the object of this resolution is to ask the Governments of India and Pakistan to take measures to prevent the situation in Kashmir from deteriorating. Such an appeal, however, has already been sent by the President of the Security Council to the Governments of India and Pakistan and appropriate answers have been received from these Governments. The Soviet delegation thinks, therefore, that from this point of view such a gesture by the Security Council is of little use.

We think that this question should be studied in greater detail and that a resolution should be adopted as soon as possible on the substance of the question, in order to rectify and improve the situation in Kashmir and to settle relations between India and Pakistan.

If this resolution is put to the vote, the USSR delegation will abstain from voting.

(SCOR, 3rd Year,
Mfg. No. 229, pp. 123-124)

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60. Text of the Speech of the Representative of Argentina Mr. Arce on the Draft Resolution

I understood, Mr. President, that the Security Council had been etablished by the Charter for the purpose of finding a speedy solution for any situation liable to compromise world peace and security; that was my reason for voting against the motion to postpone the subject, and frankly if there were no other proposal before us, I should vote for that submitted by the Belgian representative. But I should not like to do so without first expressing—perhaps somewhat ingenuously, for I am a new member of the Council—my profound amazement to see that, after hearing the Indian representative speak of war, followed by similar though less definite statements by the representative of Pakistan, after hearing the admission by both parties that people are being killed wholesale every day in and outside the State of Kashmir, there is nothing more to be done for the moment than to appeal to these two Governments to be calm and sensible. Therefore, and in consideration of possible future events, I should like to State before the Council and the representatives of India and Pakistan that, while the Charter does not define aggression, an approximate definition of it now exists in an international treaty binding all the nations of the Western Hemisphere.

Article 9 of the Inter-American Treaty of Reciprocal Assistance, signed at Rio de Janeiro, says:

"In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

"(a) Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;

"(b) Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a

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region which is under the effective jurisdiction of another State."

In these circumstances, the Argentine delegation would be obliged to consider as an aggressor either of the two States, India or Pakistan, which adopted an attitude of this nature, and to act accordingly. I think this warning, even coming from a State which is not a permanent member of the Council, should have some influence on the attitude of the Governments of India and Pakistan, which have recently been admitted to the United Nations and enjoy the pleasant illusion of being described as "peace-loving peoples."

This is what I wanted to say, before voting on the draft resolution submitted by the Belgian delegation, for nothing more effective can be done for the moment, we non-permanent members of the Council being able to do little regarding decisions of substance.

(SCOR, 3rd Year,
Mtg. No. 229 pp. 124-25)

61. Text of the Resolution Adopted by the Security Council at the 229th Meeting by 9 Votes to None, with 2 Abstentions

38 (1948). Resolution of 17 January 1948

[S/651]

The Security Council,

Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan,

Recognizing the urgency of the situation,

Taking note of the telegram addressed on 6 January 1948 by its President to each of the parties and of their replies thereto, in which they affirmed their intention to conform to the Charter of the United Nations.

1. ***Calls upon*** both the Government of India and the Government of Pakistan to take immediately all measures

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within their power (including puplic appeals to their people) calculated to improve the situation, and to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation;

2. *Further requests* each of those Governments to inform the Council immediately of any material change in the situation which occurs or appears to either of them to be about tooccur while the matter is under consideration by the Council, and consult with the Council thereon.

Votes for: Argentina, Belgium, Canada, China, Colombia, France, Syria, United Kingdom, United States of America.

Abstentions: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

62. *Text of the Suggestion of the Representative of USA Mr. Austin*

The United States delegation wishes to support the proposal of the United Kingdom representative that the parties seek a solution of their dispute by negotiation. We second the entire proposal, but we should like to suggest that, in the interest of progress, it might be better to recess until Tuesday morning, thus giving the parties two full days to consider this matter.

If that suggestion is not regarded as wise by the mover of this proposal, I suggest that the latest hour possible on Monday be chosen, and that we try not to meet before 5 p.m. Even then, I assume the purpose of the meeting will be such that it will take us, perhaps, late into the evening. That is one reason why I think it would be wiser for the Security Council to undertake the work that will naturally follow this meeting at the beginning of the day, so that we can devote a whole day to it.

Therefore I should much prefer, if the representative of the United Kingdom would accept such an amendment of his motion, that we give time to the parties to cover the ground fully under the guidance of our President, and to bring this matter back to us so that we can consider it afresh in the

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morning. I think we do better work in the daytime than we do at night, and if we return here at 4 or 5 p.m., we shall be more apt to waste time than if we returned to consider this matter on Tuesday morning. Therefore, I ask whether the representative of the United Kingdom would accept that amendment.

(SCOR, 3rd Year,
Mtg. no. 229, p. 126)

63. Text of the Suggestion of the Representative of United Kingdom Mr. Noel Baker

I asked for permission to speak because, in the spirit which was shown just now by our USSR colleague—namely, the desire that we should quickly come to grips with the substance of the problem with which we are confronted—I wish to make a suggestion to the Security Council about the conduct of our work.

As the President said this morning, the speeches of the two parties have convinced every member that a serious and critical situation exists in India and Pakistan, and we should be frivolous indeed if we did not take heed of the grave warnings which we have received and if we did not do our utmost to bring about a settlement at the earliest possible moment.

Already, by my interventions in regard to the time-table, I have shown that from the start I have been deeply impressed with the urgency of the situation and that I feel convinced the Security Council should not lose an hour in its consideration of the case. Every telegram I receive day by day, and every item of news in the daily Press, convinces me that this is more true today than ever before. Popular feeling in India and Pakistan is deeply moved. There might be dangerous developments at any time.

The two Governments—and I think they were very wisely inspired in so doing—have laid their differences before the Security Council. The purpose in so doing, of course, is to reach a settlement with our help. I think they cannot start on that task too soon, and I wish to propose that the President should now invite the two delegations to meet over the week-end, presided over by the President himself, and that under

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his guidance they should try to find, as from now, some common ground on which the structure of a settlement may be built.

Of course, I am not proposing—I wish to make it quite clear—that the Security Council should break off its work. Now that we have heard the parties, there must be a debate in which the members of the Security Council can voice their views in the dispute and, as I hope and believe, pool their wisdom and wield their influence in favour of peace. I propose, therefore, that, unless the President should decide otherwise, the Security Council should meet again on Monday at 4.30 or 5 p.m., and that in the intervening forty-eight hours the President should bring the Indian and Pakistani delegations together for the purpose which I have described. I should like to ask the representatives of India and Pakistan whether they could accept that proposal, and then to ask the President and the Council whether they agree with what I propose.

(SCOR, 3rd Year,
Mtg. no. 229, pp. 125-126)

64. *Text of the Reply of the Representative of India Mr. Gopalaswami Ayyangar to the Suggestion of United Kingdom and USA's Representatives*

I desire at the outset to welcome the suggestion that has been made by the representative of the United Kingdom and supported by the representative of the United States. That suggestion is also in keeping with the principle of expedition which was stressed so appropriately by the representative of the USSR. For our part, we have from the beginning stressed the need not merely for urgency but for immediacy in the solution of this problem.

The situation in India is grave, and during the last two or three days it has become graver on account of the events about which most of us have read in the newspapers. At the present moment, there is, as a consequence of the fast on which Mahatma Gandhi has entered, a wave of feeling throughout India, in favour of making the utmost possible efforts to bring

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about unity between the two great communities in that country.

The Government of India is wholeheartedly behind this wave, and it is doing everything possible and is making every possible gesture for the purpose of reaching agreement, not merely for the purpose of saving peace, but also for the purpose of saving the life of the man who stands for peace in the world today.

I think it is appropriate that the Security Council should take note of this fact and give my delegation and the Pakistan delegation the opportunity of conferring together for the purpose of arriving at a solution which will be acceptable to both of us.

In this connexion, I most sincerely thank the Security Council for placing its services at our disposal, for the purpose of enabling us to look at the problem from angles which will produce a satisfactory solution. Therefore, with great willingness, with enthusiasm, and with full regard to what is happening in India today at this very moment, I welcome this suggestion.

There is only one thing I wish to add in this connexion. As we shall be engaged on this mission of negotiation between the two parties for arriving at an amicable settlement, it will be difficult for me, if we have to meet, say, on Monday, to be prepared to reply in detail to the speech which the representative of Pakistan made yesterday and today.

He has covered very wide ground. He has brought out arguments; he has tried to traverse our arguments in ways which call for detailed reply. I do hope that the negotiations we start from now on will render unnecessary the making of any reply to what he has said during yesterday and today. But if, unfortunately, it does become necessary for us to continue this debate, then it will be necessary for me to have some time to prepare the material, for the purpose of enabling me to reply adequately to what he has said. Therefore, if the adjournment is until Monday afternoon, it might be difficult for me to find that time. If it is until Tuesday morning, as the representative of the United States has suggested, then I shall

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do my best to make that reply on Tuesday, although even then, I should not have had adequate time for preparing all the material that may be necessary. With this final remark, I wish only to reiterate that I fully welcome the suggestion that has been made.

(SCOR, 3rd Year,
Mtg. no. 229, pp. 16-27)

65. The Decision taken by the Security Council at its Meeting No. 229 on 17 January 1948

The Council decided that the President should invite the representatives of India and Pakistan to take part in direct talks under his guidance in an effort to find some common ground on which the structure of a settlement might be built.

66. Draft Resolution submitted by the Representative of Belgium in the Security Council

"*The Security Council,*

"*Considering* that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency.

"*Adopts the Following Resolution:*

"A. A Commission of the Security Council is hereby established, composed of representatives of three members of the United Nations, one to be selected by India, one to be selected by Pakistan, and the third to be designated by the two so selected.

"Each representative on the Commission shall be entitled to select his alternates and assistants.

"B. The Commission shall proceed to the spot as quickly as possible. It shall act under the authority of the Security Council and in accordance with the directions it may receive.

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from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals.

"C. The Commission is invested with a dual function:

"1. To investigate the facts pursuant to Article 34 of the Charter;

"2. To exercise, without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties, to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the Security Council have been carried out.

"D. The Commission shall perform the functions described in Clause C:

"1. In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and

"2. In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs.

"E. The Commission shall take its decision by majority vote. It shall determine its own procedure. It may allocate among its members, alternate members, their assistants, and its personnel such duties as may have to be fulfilled for the realization of its mission and the reaching of its conclusions.

"F. The Commission, its members, alternate members, their assistants and its personnel shall be entitled to journey,

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separately or together, wherever the necessities of their tasks may require, and, in particular, within those territories which are the theatre of the events of which the Security Council is seized.

"G. The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may consider necessary."

In the interests of orderly discussion I think it would be well for the moment to keep the debate as far as possible within the framework of the draft resolution.

Finally, may I pay tribute to the co-operative and helpful spirit of both parties. I am sure that the Council, for its part, will be eager to show the same readiness.

(UN Document S/654)

67. *Speech made by Mr. N. Gopalaswami Ayyangar, Representative of India, in the Security Council Meeting on Draft Resolution held on 20th January 1948*

I wish to submit that whether or not we retain the words "on the Jammu and Kashmir question" in the heading of this draft resolution, the resolution can relate only to the Jammu and Kashmir question. I thought that was clearly understood. The item on the agenda which we are now considering is headed "The Jammu and Kashmir question". In the course of the discussions we have had with the President of the Security Council during the last two days, we did consider the question of widening the scope of the functions of this commission. The representative of Pakistan was in favour of including matters which did not relate to the Jammu and Kashmir question. After a good deal of argument and discussion, it was decided that while the commission was being appointed primarily for the Jammu and Kashmir question, if, later on, the counter-complaint of Pakistan was brought on the agenda of the Security Council and, after discussion, it was decided that any matters in that complaint also required investigation, it would then be appropriate to refer such questions to the same commission. With a view to arriving at an agreed arrangement, we decided to insert clause D of this draft resolution.

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Clause D says:

"D. The Commission shall perform the functions described in Clause C:

"1. In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council, dated 1 January 1948, and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948; and

"2. In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs."

Those matters can relate only to Jammu and Kashmir. We conceded that if, later on, the Security Council came to the conclusion that other matters in the counter-complaint—which is not yet on agenda of the Security Council—had to be referred to a commission at all, we should have no objection to their being referred to this same commission.

In so far as the draft resolution is concerned, the Security Council can pass this resolution only with regard to the item entered on the agenda. But I particularly wish to stress the fact that we attach the greatest importance to the urgency and the immediacy of dealing with the situation in Kashmir. Our first efforts should be directed toward the commission's taking such steps as may be necessary to resolve this particular dispute and to bring about the stoppage of fighting there. If in the course of such investigations, the Security Council should become seized of the other matter and should also come to the conclusion that any items connected with that matter require investigation, then the Security Council can certainly give a directive to this commission, and the commission can consider the matter.

Personally, I think the heading as entered in the draft resolution before us is correct, but as the President has ruled that those words "on the Jammu and Kashmir question" should be omitted from the heading, I have no objection. But

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it makes no difference at all with regard to the substance of what we are really contending—this resolution can relate only to the item that is now on the agenda.

(SCOR, 3rd Year, Mtg. no. 230, pp. 131-132)

I do not wish to say anything which will in any sense detract from or mar the good feeling between the two parties which has resulted in this draft resolution. But, as some insistence has been placed on an aspect of this matter to which it is difficult for me to agree, speaking for India I wish to make my position perfectly clear.

The main contention is whether we are investing this commission today with jurisdiction to deal not only with matters connected with the Jammu and Kashmir situation, but also with matters outside that situation which have been brought to the notice of the Security Council by Pakistan. Those matters have been brought to the Security Council's attention in document II, which was attached to the letter of my friend, Sir Mohammed Zafrullah Khan, addressed to the Security Council [*document S/646*], and which requested that document II be placed before the Security Council.

It is true that document II has been received by the Security Council, but I do not think that document II has yet been placed before the Security Council for its consideration.

In the first place, we have yet to state our case on the matters referred to in document II. I may mention to the Security Council, for its information, that document II covers such wide ground that our case pertaining to those matters will take a little time to be presented to the Security Council.

In the second place, although document II was included amongst those which were sent as enclosures to the Pakistan Foreign Minister's letter, the spokesman for Pakistan before the Security Council confined himself to the Jammu and Kashmir issue in the two speeches that he delivered before this body [*228th and 229th meetings*]. We also have confined ourselves in our statement only to the Jammu and Kashmir issue. It is necessary that issue should be dealt with quickly and promptly and put out of the way as soon as possible.

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In the third place, let me mention that on a very cursory reading of document II, which I have already referred to, I am in a position to state that several matters mentioned in that document are no longer disputes between India and Pakistan. There are other matters with which, by friendly negotiations between the two Dominions, we are already dealing outside the Security Council.

In the fourth place, it seems to me that there is hardly any matter mentioned in document II which is likely to endanger international peace and security. Other opinions may be expressed on that particular point, but that will be one of the contentions which we may have to raise on that counter-complaint.

I mention these facts in order to show that the Security Council is not in a position today to state whether any of the matters referred to in document II could be made the subject of an inquiry by a commission, or whether it will be necessary for the Security Council to proceed with an inquiry into such matters.

We hope to be able to convince the Security Council that once we have dealt with the Kashmir question, there will probably not be anything of substance which will divide India and Pakistan to the extent of endangering international peace and security. From the facts, as we look upon them, it seems to me that it will not be right for us to say that this commission will necessarily deal with such matters which are not now before the Security Council. Whether such matters have to go a commission at all will have to be decided later on.

However, we have conceded that, if the Security Council should reach a decision that any of those matters should be referred to a commission, this particular commission may deal with them. That is the agreement at which we have arrived. Therefore, it is not possible for us to agree to the position that we are now setting up a mere instrument of the Security Council for the purpose of dealing with whatever matters the Security Council may choose to refer to that commission. We first set up a commission for the purpose of dealing with the Jammu and Kashmir issue. We agree that, if the Security Council later comes to the conclusion that other matters should

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be referred to a commission, that commission may deal with those matters. That is the position on which India necessarily has to stand at this stage.

(SCOR, 3rd Year, Mtg. no. 230, pp. 135-136)

67a. Speech made by Sir Mohammed Zafrullah Khan, Representative of Pakistan in the Security Council Meeting on Draft Resolution held on 20th January 1948

With reference to what was said by the representative of India, it is well known, of course, as must be the case under the circumstances, that the resolution represents a compromise between the parties. The original point I raised was merely that the language in the title of the resolution should run in accordance with that compromise. The representative of India has chosen to put his own gloss upon the language of the resolution, whereas all the President's efforts were directed towards making sure that the language of the resolution should represent what had been agreed upon. I regret that any gloss should have been necessary, and that makes it necessary for me to make one or two observations with regard to that aspect of the case.

It is true that it was insisted on the one side that the language of the resolution should have reference only to the Jammu and Kashmir matter. It was equally insisted on the other side that the resolution, in scope, should embrace all the matters that were disturbing the friendly relations between the two States, and which had been brought to the notice of the Security Council, and of which the Security Council is now seized, irrespective of the fact that discussion was proceeding at the moment only with regard to one of them.

When too much insistence was laid on the Indian side on the fact that the discussion had not yet reached the other items, it will be re-called that we then suggested that our conversations should be postponed until, in due course, the Security Council had reached the discussion of the other matter also.

It was then pointed out that it would save time if, in the meantime—and before the Security Council could arrive at decisions with regard to any of these matters, whether those

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decisions are based upon an agreement between the parties or whether those decisions are decisions of the Security Council—the period that would elapse would be utilized in agreeing upon the personnel of the commission and getting the commission together, so that when the decision or decisions would be arrived at, the instrument would be ready, on the spot, if possible, to carry out those decisions.

When that stage was reached, after two or three attempts at drafting with regard to how that agreement should be expressed, the final draft was adopted. Clause D, therefore, represents the actual situation that the Kashmir matter being under discussion, the Commission would perform its functions with reference to that, and would go on to perform its functions with regard to the other matters when so directed by the Security Council.

Though we have here a machinery now agreed upon to carry into effect the directions that may be given to it by the Security Council, our main task still remains, and I desire to express the hope that whether by way of consultations between the parties under the leadership and guidance of the President, or by way of discussion of the matter before the Security Council, the question of a settlement—at least the principles upon which the working out of the settlement should be based—is the first question to which attention must be directed.

As will be seen from Clause C of the resolution, which defines the functions of the Commission, its functions are "to investigate the facts pursuant to Article 34 of the Charter"; that is to say, where a situation exists which "is likely to endanger the maintenance of international peace and security". That, we were told, is technically necessary, but is obvious in any case from the disputes which have been brought to the notice of the Security Council. The Commission is also invested with the function of exercising, "without interrupting the work of the Security Council, any mediatory influence likely to smooth away difficulties..." But its main function will be "...to carry out the directions given to it by the Security Council; and to report how far the advice and directions, if any, of the

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Security Council, have been carried out". That function still remains with the Security Council.

The machinery will be there, but the machinery will not come to life until the Security Council has arrived at some sort of decision with regard to the principle upon which the settlement is to be based, though it may be left to the commission to carry it into effect or to settle its details, to make proposals back with regard to any of the details that might stand in need of clarification, and so on.

That is the only submission I would make at this time.

(SCOR, 3rd Year, Mtg. no. 230, pp. 133-135)

68. Speech made by Mr. El-Khouri, Representative of Syria in the Security Council Meeting held on 20th January 1948 on Draft Resolution

It is a matter of appreciation of the goodwill exhibited by both parties in an attempt to reach a peaceful and amicable solution of the dispute between them. They have thereby confirmed our expectations that they would prove willing to avoid any further aggravation of the present situation and to find a solution by themselves. Both parties regret that they were led to bring their case before the Security Council; they would have preferred to have the question solved between themselves, without being obliged to appear in public in this manner. They have now proved that point, and all of us are very pleased with the result which has been brought about under the auspices of the President and with his help. We appreciate what has been done, and we congratulate both parties.

All of this gives me the very strong hope that future developments in this case will show, as has been indicated by the developments of the last two days during which this resolution was prepared, that the situation can be clarified between the parties and that there will be no great difficulty in establishing a commission for the purpose of reaching agreement between them.

I find that the resolution is a good one. However, there are certain vague and ambiguous points contained in it. Since the meetings between the two parties are to continue, I presume

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that clarification will be given to those points in the resolution which are still unclear, especially as to the directions which it is expected that the Security Council will give.

The question of the directions to be given by the Security Council is not very clear in the resolution. Clause C of the resolution speaks of the "...directions, if any, of the Security Council..." In other words, the commission would not delay the start of its work in order to await instructions or directions. If such instructions or directions were to be given, they would be complied with.

In the same way, Clause B states that the commission shall act "in accordance with the directions it may receive "from the Security Council. It is not absolutely necessary, then, that the Security Council give directions. The commission would start its work in accordance with the terms of reference contained in the resolution: in the first place, "to investigate the facts pursuant to Article 34 of the Charter". In other words, any fact or situation likely to endanger the maintenance of international peace and security would be investigated. There is no difficulty, then, in interpreting that phase of the matter.

There are other points in the resolution which will be clarified by the subsequent meetings to be held between the parties and the President of the Security Council. For this reason, I think it is unnecessary to prolong discussion of this resolution. After it is adopted, additional matters which require clarification will be taken care of at subsequent meetings.

(SCOR, 3rd Year, Mtg. no. 230, pp. 136-137)

69. Speech made by Mr. Noel Baker, Representative of United Kingdom in the Security Council Meeting on Draft Resolution held on 20th January 1948

I could, I think, make a long speech on the observations made by the representatives of India and Pakistan, and I think that the President would find it difficult to rule me out of order. But in accordance with the desire expressed by the representative of Syria, I hope that we shall not have a long debate.

I think I understand very well the preoccupations of both the representative of India and the representative of Pakistan.

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There are points of substance in what they say and I think it is useful, perhaps, that their speeches have been made at this stage.

But under the chairmanship of the President a compromise has been arrived at by the two delegations on these very points. I have studied the resolution and I have listened most attentively to all that has been said this morning. It seems to me that the language of the resolution, and particularly of Clauses C and D, the drafting of which I much admire, expresses the compromise arrived at with great clarity and precision. I think it does full justice to the contentions of both parties as they have been put forward this morning. I think the plan is right in itself. The commission is to be established, as has been said, not to make the settlement, but to help to execute the settlement which the Security Council, we hope, will now make.

For these reasons I hope that the resolution will be adopted and that we shall set up the commission. As the next step let us, as our colleague from India has said, proceed swiftly to settle the Kashmir question, that is to say, to stop the fighting, but not only to stop the fighting but to get a definite settlement of the whole question and to settle the future of Kashmir on the basis of peaceful co-operation and impartial justice which both parties alike desire.

Of course it is true that the rights of Pakistan to raise anything which their Government thinks it right to raise before the Security Council will remain. It will be for their Government to decide what they desire to raise and when they will raise it.

However, I think that nothing which has been said by either of the two representatives this morning should delay the adoption of this resolution which, as I see it, is a first step in the process which, whatever form it may take, will lead to full agreement on all outstanding questions which are now in dispute between the Governments of India and Pakistan.

I hope, therefore, that the Security Council will adopt the resolution.

(SCOR, 3rd Year, Mtg. no. 230, pp. 137-138)

Of course, there are certain differences between what was done in the Indonesian case and what was done in this case.

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You adapt what you do to the circumstances of the case, the will of the parties and the necessities. But the principles are basically the same, and since the object of all of us, including our colleagues from the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic, is to secure a peaceful settlement, to stop the fighting and to settle the differences by common agreement, I should have thought that the Indonesian precedent was rather encouraging.

Nothing would be further from my mind—and I made it plain a dozen times—than to cut the Security Council out of the further work on this question with which we are now dealing, but I venture to think that there really must be some misunderstanding, the origin of which I have not found. To my way of thinking, this is a commission of the Security Council. It will be created by the resolution before us. Clause B of the resolution seems to me to be extremely plain. It says:

> "B. The Commission...shall act under the authority of the Security Council and in accordance with the directions it may receive from it. It shall keep the Security Council currently informed of its activities and of the development of the situation. It shall report to the Security Council regularly, submitting its conclusions and proposals".

I believe that in substance we are in agreement with our colleagues from the USSR and the Ukrainian Soviet Socialist Republic, and whatever we may think about the form—of course there may be differences—I hope that this resolution may be adopted.

(SCOR, 3rd Year, Mtg. no. 230, pp. 142-143)

70. Speech made by Mr. Hsia, Representative of China in the Security Council Meeting on Draft Resolution held on 20th January 1948

I wish to express the great satisfaction of my delegation that the representatives of India and Pakistan have so speedily and amicably agreed to a formula with a view to the settlement of

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their present difficulties under the able and energetic chairmanship of our President.

Concerning the draft resolution submitted by the President, the Chinese delegation wishes to say that any agreement voluntarily and whole-heartedly entered into by India and Pakistan will have the sincere support and blessing of my delegation.

We are aware of the complexity of the problem and also of the time, patience and goodwill that will be required. The present draft resolution is a first step—a very important first step—and a very good augury for the ultimate solution of all the difficulties that now exist between India and Pakistan.

(SCOR, 3rd Year, Mtg. no. 230, pp. 138-139)

71. Speech made by Mr. Lopez, Representative of Colombia in the Security Council Meeting on Draft Resolution held on 20th January 1948

I just wish to add a few remarks to what has been said by the representative of the United Kingdom. The draft resolution which has been presented to the Security Council seems to me to meet very fully the needs of the situation, and in my view it should prove highly satisfactory to both parties in the light of the opinions which they have expressed this morning.

According to Clause D of the draft resolution the Commission would first address itself to the general question and then to other matters mentioned in the letter from the Foreign Minister of Pakistan [*document S/646*] when the Security Council so directs. As I see it, we can proceed to set up this Commission and, following the precedent that has been established so successfully under the very able chairmanship of the President, the representatives of India and Pakistan can meet again with the President and ascertain whether there are further points which should be brought to the attention of the Security Council and on which they cannot agree without reference back to that body.

I believe that the outlook is extremely encouraging. Not only should the parties be congratulated on the results achieved so far, but the Security Council should congratulate itself on

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the opportunity it has been given to recover, as it were, the ground lost on previous occasions. As it stands today, this matter is of great assistance to the Security Council and will help it to improve its position very much in the eyes of public opinion. I believe, further, that it marks a very decided improvement in relation to the two previous questions—those of Greece and Indonesia.

In this draft resolution we have reached a later stage which is a decidedly better one and seems to open the way for a more successful operation of the Security Council. I therefore not only support the resolution but also wish to add the expression of my very high appreciation of the ability with which the President of the Security Council has been handling the matter.

(SCOR, 3rd Year, Mtg. no. 230, p. 139)

It seems to me that there is a very substantial difference, that should be pointed out, between the Indonesian Committee and the commission that is proposed under this draft resolution. In the Indonesian case, we could not set up a commission of the Security Council because it was vetoed. Much as we argued in favour of a commission, we could not bring the majority of the Security Council to accept our point of view in favour of that commission, whereas in the present case, the position is extremely clear and, to my mind, it is very much in accordance with the spirit of the very principle of conciliation.

The two parties to this dispute have come to the Security Council expressing both their confidence in the Security Council and their willingness to reach an understanding. By every one of their acts since they came to the Security Council they have shown rather unmistakably that they want to reach an agreement.

It seems to me it is only too clear that, as they themselves have begun to establish the basis for an agreement in the appointment of the proposed commission, we should in turn be only too glad to accept the principle of this initial step.

I should go even further and say that I am rather inclined to imagine it would be ideal, in case of any further disputes, to have the parties come to the Security Council in the same spirit

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and with the same avowed purpose of reaching an understanding in applying for our co-operation. I really believe that nothing better can be done under the circumstances. The parties are on the road to an amicable settlement. They have applied for our co-operation; they have suggested that this is the best way to resolve the dispute, and we should gladly accept this settlement. I am very glad that the differences between the parties have been made clear.

The Indonesian question has not yielded such satisfactory results for the very reason that the jurisdiction of Security Council in the case was not very clearly established, whereas in the present instance no doubt is entertained in that respect, either by the parties or by any member of the Security Council, and we all seem to be agreed as to how we shall proceed.

(SCOR, 3rd Year, Mtg. no. 230, pp. 141-142)

72. *Speech made by Mr. Gromyko, Representative of USSR, in the Security Council Meeting on Draft Resolution held on 20th January 1948*

I too note with satisfaction that India and Pakistan have expressed their readiness to settle this question peaceably by establishing good-neighbourly relations between them. That is undoubtedly a very significant fact. I can fully understand, therefore, the satisfaction with which the members of the Security Council have greeted the statement that India and Pakistan are ready to settle this question by peaceful means.

My delegation cannot, however, share the opinions of the other representatives in the Security Council as to the principle underlying the formation of the commission. It is proposed that the commission be established on the same principle as the Committee of Good Offices on the Indonesian Question. Each of the parties to the dispute would choose a country to represent it; the two countries selected would choose a third. Thus, the commission would appear formally to be a Security Council commission, but it would really be quite independent of the Security Council, and would act without any reference to the latter, as the connexion between it and the Security Council would exist only on paper. We have had an example of this in

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the composition and work of the Indonesian Committee. That Committee has been at work for several months already, but the Security Council does not in point of fact know what it is doing.

We receive from Indonesia quite casual, fragmentary communications from the Chairman of the Committee of Good Offices, from which it is impossible to form anything like a complete picture of the situation there. It is reasonable to believe that the position would be the same, or nearly the same, in the case of the commission proposed by the Belgian representative. If the Security Council decides to set up a commission, then in my opinion it should be a Security Council Commission, composed of three, five or eleven States represented in the Council. It would then be clear to everyone that the Security Council had decided to investigate the dispute because it considered that it deserved attention and because the situation which had arisen in Jammu and Kashmir was sufficiently serious to warrant the Security Council's investigating the question. The very fact that it had been decided to investigate the matter would justify the appointment of a Security Council commission, in other words (let me emphasize this), a commission composed of State members of the Security Council.

While, therefore, expressing satisfaction that India and Pakistan are now ready to settle this dispute in a spirit conducive to good-neighbourly relations, I cannot agree with the principle underlying the formation of the commission recommended in the Belgian resolution, although I would have no objection to the formation of a commission as such composed of State members of the Security Council.

If this proposal is put to the vote, the Soviet delegation, for the reasons which I have explained, will be compelled to abstain. Of course we hope that the dispute between India and Pakistan will be settled no matter how such settlement is achieved, whether by direct negotiations, with the help of some sort of commission, or by any other means.

What I have said about the point on which I disagree with the Belgian proposal refers only, as I have already said, to the

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principle on which it is suggested that the commission should be established.

(SCOR, 3rd Year, Mtg. no. 230, pp. 139-140)

May I say a few words about the Colombian representative's remarks? I too notice that the commission set up in connexion with the Indonesian question differs somewhat from the commission proposed by the Belgian representative. That difference, however, is not to the advantage of the Belgian proposal. The resolution on the Indonesian Committee states that that Committee should be made up of members of the Security Council, whereas this is not even mentioned in the Belgian resolution. The Indonesian Committee is a Security Council committee only in form but not in fact. The new commission is not a Security Council commission either in form or in fact. Although on paper there appears to be some sort of formal connexion between the Security Council and the commission, in actual fact there is no such connexion.

(SCOR, 3rd Year, Mtg. no. 230, p. 142)

73. Speech made by Mr. Tarasenko, Representative of Ukrainian in the Security Council Meeting on Draft Resolution held on 20th January 1948

I also share the general feeling of satisfaction that the parties are prepared to compromise and come to a mutual understanding, since that is the first step towards a successful settlement of the problem.

However, I also think that the commission to be created should be a Security Council commission not only in form but in fact. Therefore I should prefer that commission to be appointed by the Security Council itself from among its members. That would make it possible for the Security Council to exert a real, constant and effective influence on the work of the commission and would hasten and facilitate the settlement of this problem.

On this point I support the proposal of my colleague, the representative of the Union of Soviet Socialist Republics, that the commission be appointed from the members of the Security Council. If the majority do not agree with this, I too shall, for

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the reasons given, be compelled to abstain from voting on the resolution. (SCOR, 3rd Year, Mtg. no. 230, pp. 140-141)

74. Voting pattern on the Draft Resolution of the Representative of Belgium on situation in Jammu & Kashmir

A vote was taken by show of hands, and the resolution adopted by 9 votes in favour, with 2 abstentions.

Votes for: Argentina, Belgium, Canada, China, Colombia, France, Syria, United Kingdom, United States of America.

Abstentions: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(SCOR, 3rd Year, Mtg. no. 230, p. 143)

75. Text of the Letter of Mr. Zafrullah Khan, Pakistan's Minister of Foreign Affairs, addressed to the President of the Security Council for change of Agenda of the Meeting from 'The Jammu & Kashmir question' to the 'India-Pakistan question'

"To the President of the Security Council"

"Sir,

"I beg to request that a meeting of the Security Council may be called at as early a date as possible to consider the situations (other than the Jammu & Kashmir situation) set out in my letter dated 15 January 1948 addressed to the Secretary-General."

All these situations have led to a very acute crisis between India and Pakistan. More particularly the continued occupation by the armed forces of India of the State of Junagadh, which is part of Pakistan, and the oppression and spoilation of the Muslim population constitute a *casus belli* and may associate military action on the part of Pakistan unless urgent action is taken by the Security Council.

(*Signed*) Zafrullah Khan,
Minister of Foreign Affairs
Government of Pakistan
Dated: 20th January 1948
(UN Document S/655)

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76. *Text of the Letter of Indian Representative in the Security Council Mr. N. Gopalaswami Ayyangar addressed to the President of the Council against the change in the Agenda*

"To the President of the Security Council
"Sir,

"I write to invite your attention to a report that has appeared in this morning's *New York Times*, which states that the item on the agenda of today's meeting of the Security Council has been changed from 'The Jammu & Kashmir question' to the 'India-Pakistan question.' As you are no doubt aware, item 1 on the agenda of the Security Council has so far been described as 'The Jammu & Kashmir question.' You are no doubt aware that it has already been decided that at today's meeting of the Security Council the debate on item 1 of the agenda, namely, The Jammu & Kashmir question, would be continued and that the representative of India would be permitted to reply to the statement already made by the Pakistan representative. Pakistan's counter-complaint has not yet been placed on the agenda, and a debate on it can commence only after India has had an opportunity of filing her answer to it and it is formally placed on the agenda. I hope that the report appearing in the *New York Times* is not correct. It is hardly necessary for me to add that we shall take the strongest exception to the amendment of the description of the item on the agenda on which the debate is to be resumed today."

(*Signed*) N. Gopalaswami Ayyangar,
Leader of the Indian Delegation to the Security Council

77. *Speech of the Representative of India in the Security Council Mr. Gopalaswami Ayyangar, against the change in Agenda of the Meeting held on 22nd January 1948*

The item on the agenda on which the debates have so far proceeded has been described throughout as "The Jammu & Kashmir question." For the first time, this heading has been changed in the provisional agenda to "The India-Pakistan question." The justification for this change has been said to be

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the receipt of a letter from the representative of Pakistan dated 20 January 1948 [*Document S/655*]. The first sentence of this letter is as follows: "I beg to request that a meeting of the Security Council may be called at as early a date as possible to consider the situations (other than the Jammu & Kashmir situation) set out in my letter dated 15 January 1948 addressed to the Secretary-General."

This letter, therefore, refers to situations other than the Jammu & Kashmir situation, which we have been debating all these days.

If I may draw the attention of the Security Council to incidents that have happened in the course of this debate, I would bark back immediately to what the President said when he adjourned the last meeting of the Security Council. He said: "I propose that we meet again to resume our consideration of this question..." The words "this question" can have had no meaning other than the Jammu & Kashmir question, which we were debating on that day.

If the Security Council looks at what the representative of Pakistan said in this connexion, it will find that in the letter dated 15 January 1948, with which he submitted a set of three documents [*Document S/646*], he contemplated that the document relating to the counter-complaint of Pakistan against India was to be taken up separately.

In the speech of the representative of Pakistan on 16 January 1948 [*228th meeting*], he said very categorically:

> "The question of Kashmir has been taken up by the Security Council, as it was bound to be, having been referred to the Council earlier than the other questions which Pakistan has raised. I shall therefore, at this stage, confine my submission to the question of Kashmir. However, as I have already said, in order to appreciate the Kashmir situation it is essential to view it against its proper background. It is not an isolated incident. At this stage, therefore, I shall touch upon other matters only so far as they are relevant to a proper appreciation of the Kashmir question. I shall develop the rest of my case when its consideration is taken up by the Security Council."

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I may also refer to what I had to say the day before yesterday on the question of the heading given to the draft resolution that was placed before the Security Council. I insisted that the resolution had to be confined to the Jammu & Kashmir question, and the Security Council agreed that for the time being we were concerned only with the Jammu & Kashmir question.

The letter of Sir Mohammed Zafrullah Khan of 20 January 1948 refers to situations other than the Jammu & Kashmir question. India does not contend that those situations should not be placed on the agenda of the Security Council. It is quite willing that those situations should be placed before the Security Council, but that step has not been taken yet. It would be wrong, in my opinion, merely on the strength of a request from Sir Zafrullah Khan that those questions should be put down for a meeting of the Security Council at an early date, to change the heading, and, therefore, the content of the matter on which the debate has proceeded so far.

I am quite willing, on behalf of India, for that particular question to be included on the agenda of the Security Council as soon as possible. I have already informed the President of the Security Council that, due to the fact that this complaint was first put into our hands only after we arrived here, and as we had to communicate with our Government both for authority and for the material necessary to answer the wide ground covered by this counter-complaint, we have to take a little time to file our answer. We hope, however, to be able to do so in the course of the next few days.

When our answer is filed and Sir Zafrullah Khan makes his statement on that counter-complaint and we reply to his statement, then the Security Council can proceed to debate that part of the affair in as elaborate a fashion as it may desire.

But at the present moment, I asked the President for this meeting of the Security Council for the purpose of resuming the debate which was suspended the day before yesterday, and he was good enough to call a meeting for today in order to resume that debate. The representation of that debate and the receipt of the kind of letter that has been sent by Sir

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Mohammed Zafrullah Khan cannot be a justification for altering the description of the item on the agenda, and, therefore changing the content of this debate.

We are very keen, as is known, to get on with the discussion of the Jammu & Kashmir question as soon as possible, and perhaps if we are able to arrive at decisions which might be acceptable to both parties, all that is said in the counter-complaint might disappear from controversy altogether. But I do not want to anticipate what we might say in regard to that counter-complaint.

It is very important that the provisional agenda should not be approved as it has been placed before the Security Council, but that the original heading should be restored. If the President of the Security Council desires to place Sir Mohammed Zafrullah Khan's letter on the agenda, I have no objection, but that cannot be part of the item which is already on the agenda. The difference between making it a part of that item and making it a separate item is that if it is made a separate item, as I contend it should be, it could be discussed only after the first item had been disposed of, and it could not be discussed as part of the first item.

I wish to make it clear that India is not trying to avoid any issue that Pakistan may have raised in its counter-complaint. We are quite willing to answer the whole of their case, and we shall do so in due course. But I would ask the Security Council to get on with the work it has already started in the investigation of the Jammu & Kashmir question, and to see that this debate is brought to a conclusion as early as possible. I hope that conclusion will be one which will eventually be acceptable to both parties.

If, however, the title of this item on the agenda is to be changed and the range of debate is to be widened, then we shall have to consider what we should do if such a decision is taken by the Security Council. Obviously, we cannot get on with the debate today unless it is confined to the Jammu & Kashmir question.

I hope the Security Council will understand the spirit in which I have pleaded for the restoration of the item on the

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agenda as it has been before us all these days. I hope the Security Council will agree with me.

(SCOR, 3rd Year, Mtg. no. 231, pp. 245-47)

I wish to understand the position clearly before I can find it possible to decide what the attitude of my delegation may be.

A good deal has been said concerning the technicality of the considerations that have been urged by the various representatives; a great deal more has been said concerning the substance of the dispute of which the Security Council is seized at the present time.

On main issues there is hardly any difficulty amongst the members of the Security Council or the representatives of India and Pakistan. There is no doubt that the Security Council now has before it both the Jammu & Kashmir question and situations other than this question which have been brought to the attention of the Security Council by Pakistan. There is no doubt about that. The only question concerned is what we are debating at the present time.

In this connexion I wish to assure the Security Council that if there are any situations other than that relating to the Jammu & Kashmir question which have a bearing on the decision of this question, we are not minded to exclude such considerations. We certainly are prepared to discuss other aspects of the present situation in India which may have a relevant bearing on the decision of the Jammu & Kashmir question, and we are quite prepared to discuss the Jammu & Kashmir question with reference to those other relevant considerations.

What I have been trying to persuade the Security Council to accept is the point that we are now engaged in debating only the Jammu & Kashmir question, with all the background that anyone may bring into it. We are not discussing those other situations referred to in the letter of Sir Zafrullah Khan dated 20 January—situations other than the Jammu & Kashmir situation. Sir Zafrullah Khan, himself, concedes—and no one can deny it—that there is a Jammu & Kashmir question and that there are other situations in India in respect of both which the parties have alleged there might be danger to the maintenance

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of international peace and security. We are quite willing that those other situations should be brought up before Security Council and discussed on their merits. I am now concerned with being satisfied that the debate in which we are now engaged will confine itself to the Jammu & Kashmir question.

It has been pointed out by the representative of the United States that the determination of this question should be governed by rule 10 of the rules of procedure, which states: "Any item of the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting". The rule being what it is, I was certainly not surprised at the very appropriate remark of the representative of the Union of Soviet Socialist Republics that he found it difficult to understand why an item which bore a certain description on the agenda of the previous meeting, and which was not disposed of at that meeting, disappeared and a new description was substituted on the agenda for this meeting.

I think that the logical conclusion of the argument of the representative of the United States is that the description used in the agenda of our last meeting must automatically be repeated in the description of the item of the agenda of today's meeting. The representative of the United States went on, however, to remark that it did not matter very much how the item was described on the agenda provided it was understood that the substance of what we were discussing today was only the Jammu & Kashmir question; that it had to be discussed along with the background which Sir Zafrullah Khan has brought to the attention of the Security Council; and that other situations should be taken up as soon as they were ready and as soon as the Security Council was in a position to deal with them. I quite agree.

The representative of the United Kingdom who, I believe, moved a very proper amendment to the provisional agenda, has now withdrawn that amendment largely on account of the apprehensions he apparently entertained as to whether it would secure the necessary support in this body. The representative

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of the United Kingdom went on to insist, however, that what we now have to discuss is the Jammu & Kashmir question.

I think that Sir Mohammed Zafrullah Khan took a very proper view, in his remarks, when he said that while the Security Council is seized of both sets of complaints, it did not matter to him how those complaints were dealt with or in what order they were considered on the agenda, and that he, for one, would not have objected to the amendment that was moved by the representative of the United Kingdom, which was unfortunately withdrawn.

Before I have to decide what our own attitude should be, may I have a clear ruling from the President, or an assurance from the Security Council, that we shall now proceed only with the debate on the Jammu & Kashmir question, and that, as soon as the other matter is ready, it can be put on the agenda and we proceed to deal with it also?

There is one other matter I wish to present to the Security Council in this connexion. It really does not matter how the particular item is described, whether it be the "India-Pakistan question," for the Jammu & Kashmir question is really an India-Pakistan question. I quite recognize that. But as I pointed out to the members, what we are now trying to decide is what, in particular, in connexion with the India-Pakistan question, we are discussing now. If paragraphs (a) and (b) under item 2 of the provisional agenda stood by themslves and the heading was "The India-Pakistan question," it might have been some indication to me that the intention was to confine the matter only to the Jammu & Kashmir question, because both paragraphs (a) and (b) of item 2 refer to the Jammu & Kashmir situation. However, paragraph (c) is also included under this heading, and it refers to situations other than the Jammu & Kashmir situation, as I have already read to the members from the letter of Sir Mohammed Zafrullah Khan. If we allow paragraph (c) to stand without even an assurance to me from the Security Council that those other matters are not to be considered immediately but will be taken up later, and that only such facts or arguments relating to those other matters as may have a bearing on the Jammu & Kashmir question can

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be referred to in this debate, it will be difficult for us to continue to participate in this debate, because we are not prepared now to deal with the larger issues.

I do not wish to sound a note of dissent from what may be general opinion among the members of the Security Council, but as I said in the speech which I made earlier this afternoon, unless we are satisfied that the debate which we are now continuing is a debate which, for the time being in any case, is restricted to the Jammu & Kashmir question, we shall be performing no useful service in continuing to participate in this debate.

As suggested by the representatives of the United Kingdom and the United States of America, I ask that we recognize that it is only the Jammu & Kashmir question which is under consideration. I believe even Sir Mohammed Zafrullah Khan said that we should now proceed with the Jammu & Kashmir question. We shall try our best to bring up other questions for debate as early as possible. Unless that assurance is forthcoming, we shall be placed in a very difficult position.

(SCOR, 3rd Year, Mtg. no. 231, pp. 161-163)

78. *Speech of Mr. Noel Baker (United Kingdom) in the Security Council on change in Agenda of the Council Meeting held on 22 January 1948*

Since my legal adviser, Mr. Bathurst, called my attention to the item as it now stands on the agenda, to the change in the heading, I have taken the trouble to inquire how the item came to be included in the agenda as it now stands. I understand that the heading of the item was decided upon by the President and the Secretariat. I am certain, of course, that the change was made in complete good faith, and I understand very well, I think, the arguments in favour of that change which seemed convincing to the President.

However, if I had been in the President's place—and I am very glad that I was not—I think I should have handled the matter differently. Broadly, I agree with the representative of India. I think that I should have arranged the agenda as follows:

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"1. Adoption of the agenda.

"2. The Jammu & Kashmir question.

"(a) Letter dated 1 January 1948 from the representative of India to the President of the Security Council concerning the situation in Jammu & Kashmir (document S/628).

"(b) Letter dated 15 January 1948 from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General concerning the situation in Jammu and Kashmir (document S/646).

"3. Junagadh and other questions.

"Letter dated 20 January 1948 from the Minister of Foreign Affairs of the Government of Pakistan addressed to the President of the Security Council (document S/655)."

I think I agree broadly with the representative of India that we shall conduct our affairs best if we keep the question of Kashmir separate, deal with it first, and then deal with Junagadh and the other matters. Of course, it is altogether open to the representative of Pakistan to do again what he did in his first great speech: illustrate his argument about Kashmir by othter situations—for example, if he so desires, the situation in Junagadh. That is entirely his right, and no one—least of all, the representative of India—would desire to deny it. However, we must ask what is most likely to achieve the object which we all have in view—and the object which we all have in view is to clear up all the questions in dispute between India and Pakistan.

I believe that if we pursue the question of Kashmir actively, immediately, and with a determination to achieve a result now—within a few hours or days—then, when we have achieved that result, the question of Junagadh and other questions may look quite different. They may be settled more easily. I do not know that this will happen, but it is possible that Kashmir will serve as a model for some other situation. Perhaps it may not be

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necessary to discuss the other matters here at all, because the Governments may be able to arrange them between themselves.

I therefore hope that the Security Council will agree to arrange the agenda as I have just suggested that I should have arranged it. If it is desired, I shall make a formal proposal to that effect. At this point, however, I should like to amplify what I have said by referring to something that was mentioned by the representative of India. He said that the other questions could be discussed only after the question of Kashmir had been disposed of. That is the plan which I think right. But it means, of course, that the question of Kashmir must be disposed of without delay. We cannot deny to the representative of Pakistan the right to raise a matter which he thinks urgent, and his letter of 20 January makes it quite plain that there are other questions which he thinks urgent. We cannot, I say, deny him that right by having the discussion of the Kashmir question unduly prolonged, without any proper progress being made. Therefore, in proposing—with all respect to our President, and with a full understanding of the reasons why the agenda stands at it does—that we rewrite that agenda, I also express the hope that the President will bring the parties together again very quickly and will proceed with negotiations for a final settlement of the Kashmir problem on the basis which was previously discussed.

(SCOR, 3rd Year, Mtg. no. 231, pp. 147-149)

I have asked if I might speak on a point of order in order to withdraw the proposal which I put forward. It seems plain to me that the proposal I put forward is not going to secure the support of a majority of the Council, and I therefore hope that I may save time and debate by withdrawing it now.

I confess that the reasons adduced by other members of the Security Council against my proposal were precisely those which seemed to me to be most strongly in favour of it. The essential point in my mind was well expressed by the representative of Syria: Would it be desirable to deal, for example, with Kashmir and Junagadh in one resolution or in two? I should have said, from what I know of the subject, that it would probably be much better to deal with it in two. That is not excluded if we leave the agenda as it was drafted today by the President.

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I think the substance is what matters. I believe the members of the Security Council really are agreed on the substance, and I think it is this: that all these matters are on the agenda. As I think the representative of Colombia and the representative of Syria said, they all have a relation, one to the other. The representative of Argentina argued very cogently, and with force, that you cannot exclude a later point brought in by a defendant. They are related to each other; they can be mentioned.

We are all agreed that, broadly, we want to take Kashmir first, but Kashmir must be dealt with swiftly. We must try to get a settlement because the other questions also are urgent, and we cannot impose an undue delay. If that is agreed all around the Security Council table, I think it would be very safe for me to withdraw my proposal. I therefore do so, and I hope the debate may reach a speedy conclusion.

(SCOR, 3rd Year, Mtg. no. 231, p. 154)

I only want to say to the representative of India that I did not withdraw my motion because I thought it inelegant, inappropriate or wrong. I withdrew my motion because I saw that it was not going to receive the necessary majority and I hoped that we might perhaps save time, and I felt then quite clearly that we were—all of us—agreed on the substance.

Now the debate which has taken place since I withdrew my motion has confirmed me in my view, and I think, if I have understood the speeches, that the representative of India can have from these speeches the assurance he desires as to how our work is now to be conducted.

(SCOR, 3rd Year, Mtg. no. 231, p. 163)

79. Speech made by Mr. El-Khouri (Syria) in the Security Council Meeting held on 22 January 1948 on change in Agenda

The judicial practice is well known, I think, to all the members of the Council, that when a principal claim is submitted to any court of justice, the other party is free at any time to submit a counter-claim which is relative to the principal claim. The first

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duty of the tribunal hearing such a case is to determine whether the principal claim and counter-claim are related to each other to such an extent that they can be unified into one case. In that event the claims can be dealt with as one case, and they can be solved by one resolution. One judgment can cover both claims, or, if the claims are not related to each other, they can be dealt with separately.

I think that the formulation of the agenda, as prepared by the Secretariat and the President of the Security Council, is correct in this case, because a claim was submitted by the Indian Government concerning the Jammu and Kashmir question, and at the same time—even before the first meeting of the Security Council on that question—a counter-claim was submitted by the representative of Pakistan. The representative of Pakistan considered that this counter-claim was related to the first claim, and that they should be considered simultaneously.

I believe that the President of the Security Council and the Secretariat were correct in submitting both cases on the same agenda item, leaving to the Security Council the decision as to whether these two claims were related to each other, whether they were within the same framework and could be given a single solution by one resolution which would cover both of them.

The first decision which the Security Council can take is to unify the claims into one case; however, the Security Council would be free also to decide that the claims are not related to that extent. In the latter event, the claims would be dealt with separately—although it would not necessarily be the case that the counter-claim would be taken up after the solution of the principal claim. The claims may be considered at the same time—one at one meeting, and the other at another meeting. In any case I think the Security Council should discuss first whether these two claims are related to each other, and should be dealt with as one case and decided upon in one resolution. Therefore, the proposal submitted by the representative of the United Kingdom to consider the claims separately, I think, leads to the conclusion that the representative of the United Kingdom considers that the claims are not related to each other to such an extent as to warrant unification.

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The representative of the United Kingdom did not speak about the relationship between the claims. If he considered them not related to each other, his suggestion would be correct; but if he considered that they were linked to each other, then his proposal to have the claims discussed and decided separately would not be correct.

(SCOR, 3rd Year, Mtg. no. 231, pp. 149-150)

80. Speech made by Mr. Gromyko (Union of Soviet Socialist Republics) (translated from Russian) in the Security Council Meeting held on 22nd January 1948 on change in Agenda

I also noticed that the Jammu-Kashmir item, which was on our agenda last meeting, has disappeared today, although we know that only the Council can delete any item from the Council's agenda. The Council has not deleted this item; hence, the former Jammu-Kashmir item should be included in our agenda.

With regard to the new letter from the Pakistani representative, I have no objection to including this letter and the question that the Pakistani Government wishes to raise in the Security Council as a separate item in our agenda—I would stress that it would be a separate item of our agenda, since it would be incorrect (in this respect I am in agreement with the Indian representative) to combine the substance of the question of the situation in Kashmir with the general problem of the relations between India and Pakistan.

The question of the situation in the Jammu-Kashmir State should have a separate status and should remain on the agenda as such until the Council concludes its debates, while the letter from the Pakistani representative, received yesterday by the Security Council, should be included as a separate item of the agenda; for instance, as the third item.

(SCOR, 3rd Year, Mtg. no. 231, p. 150)

81. Speech made by Mr. Arce (Argentina) in the Security Council Meeting held on 22nd January 1948 on change in Agenda of the Meeting

I am very sorry to have to disagree with the opinion of the distinguished representative of the United Kingdom, who has

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submitted a proposal to alter the agenda—especially as his view is supported by a legal opinion, and I have a great respect for legal opinions.

We must remember, however, that this is not a court of justice but a political body, which must be governed by fixed rules but cannot pay too much attention to trifling details of form, particularly when they do not involve major questions of principle.

The situation of India and Pakistan seems to me to be more complicated than some members of the Council have tried to make out. I have no special information concerning the result of the exercise of the good offices of the President of the Council with the representatives of Pakistan and India. But seeing that we are assembled here and that the representative of Pakistan has sent us this letter requesting the Council to consider the charges, innumerable charges, formulated a few days ago against the Government of India, it would appear that the negotiations have not been very successful. I am afraid that if we were to try to deal with the question of Jammu and Kashmir apart from other Indian questions, we should never settle anything, and we should be allowing the war to continue and committing a flagrant injustice against these two new Members of the United Nations.

I have the impression that this is a conflict which might be divided into as many as ten different parts, and that there are some who would wish us to deal with only one-tenth, leaving the rest aside. Obviously, if we do not attempt to solve all the difficulties, we shall be unable to solve even the tenth part of the small war which has broken out between Pakistan and India.

For the rest, though I do not know whether the statements of the representative of Pakistan, which we have just heard, are correct or incorrect, it is obvious that just as we cannot cover up the sky with a sieve neither can we close our eyes to what is there before us. The India-Pakistan problem includes at least ten or twelve points, and the Security Council should take them as a whole, for having been informed of them, it cannot

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ignore one and deal with another merely because that is the only one which has been *officially* brought before the Council.

Furthermore, we need only read a little of document II, submitted to the Council by the Pakistan Government on 15 January 1948 [*in document S/646*] to realize that these claims have been put before us by the Government of Pakistan, at least implicitly, if not expressly. I have underlined the main ones here. I repeat, we cannot shut our eyes to these questions and ignore them; but supposing that, in order to conform to all the rules of procedure of a high court of justice, we were to take the question of Jammu and Kashmir first and the other questions afterwards, it is obvious that the Council could not deal with them separately but would be obliged to consider them as a whole.

It seems to me therefore that this discussion is irrelevant, especially as the Indian representative has already asked for an opportunity to reply to the charges made by the representative of Pakistan.

But let us suppose that this is a court of justice. I do not know how it would be in other countries, but in my own, when a claim and counter-claim are presented, the two are not filed as separate suits; the judge settles the two together on their merits.

For these reasons, and because I feel keenly that we are shirking a very serious matter in which the representatives of Pakistan and India appear not to have reached agreement—though I cannot be certain about that as the President has told us nothing—I cannot vote in favour of the motion presented by my distinguished colleague, the representative of the United Kingdom. But even if his proposal is accepted, I wish to state now that I shall present a concrete proposal for the consideration of all the questions at issue between Pakistan and India together.

I think that if the negotiations have not been successful (I do not know, but I suspect that they have not), the reason is precisely that they have not been dealt with as a whole. To give only one instance, if we followed this course we should be leaving unsettled the question of the aggression of which,

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according to the Pakistan representative's statements, the Government of India has been guilty in taking possession of the Junagadh peninsula—which, indeed, as I see from this map kindly furnished me by the Indian delegation, is within the boundaries of India, just as Kashmir is. The question would remain unsettled, since the Prince of Junagadh is determined that the State shall become a part of Pakistan.

According to the Pakistan representative's statements, India sent in an army and took control of the whole territory, though I do not know whether the Prince was expelled. If that is not aggression, if that is not war, if anyone thinks that we should close our eyes to these things, I for my part cannot assent to such a procedure. I shall vote for consideration of all the points in the India-Pakistan problem, including that of the mail which has been mentioned here, the financial question, and all the other questions.

If these problems had been solved before 15 August last year, many unpleasant things would have been avoided, the first being the manner in which the new dominions of India and Pakistan were admitted to membership of the United Nations.

(SCOR, 3rd Year, Mtg. no. 231, pp. 150-152)

82. Speech made by Mr. Lopez (Colombia) in the Security Council Meeting held on 22nd January 1948 on change in Agenda of the Meeting

I should like to support the position taken by the President in regard to this matter. To my mind it is perfectly clear, it seems to me that we are discussing today the other end of an argument that we had on a previous occasion.

At the previous meeting of the Security Council, the representative of Pakistan was trying to make sure—so it seemed to me—that the Security Council would in due course take up the discussion of the other matters which he wanted to bring before the Security Council, and today the representative of India—if I do not misunderstand his position—wants to make sure that we discuss the Jammu and Kashmir situation first.

The representative of India has made it very clear that he does not object to the discussion being broadened to include

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other situations which the representative of Pakistan may wish to bring before the Security Council. The representative of India, however, made the very legitimate request that he should be allowed a little more time in which to obtain data and prepare his argument, in case we are going to take up the different matters today. That, it seems to me, is very much the same as the request originally granted to the representative of Pakistan. The representative of Pakistan also made a request for additional time to prepare his case, in order to bring before the Security Council the other matters that had been brought up in the original statement of the representative of India. Therefore, there does not seem to be any difference in that respect.

The proposal that we have already accepted [*document S/654, 230th meeting*] provides that the commission, which the Security Council decided to set up, would first take up the question of Jammu and Kashmir, and next, the matters brought up by the Foreign Minister of Pakistan in his letter of 15 January 1948. We have agreed to set up that commission, and I suppose we are now in the process of appointing members to that commission so that it can begin its work on the Jammu and Kashmir situation.

In the meantime, I think it is perfectly proper for the representative of Pakistan to have sent his letter to the Security Council, bringing to the attention of the Security Council the other situations which the representative of Pakistan wishes the Security Council to investigate.

Therefore, it seems to me that we all agree that it is perfectly proper to discuss the general question, the India-Pakistan question which covers the two situations, the Jammu and Kashmir question originally brought to the attention of the Security Council by India, and the other situations which the representative of Pakistan wants to call to the attention of the Security Council now.

It would be perfectly in order to place the general question on the agenda as it now appears, and then, in the order in which they originally appeared, first the letter from the representative of India; second, the letter from the Minister of

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Foreign Affairs of Pakistan dated 15 January 1948; and, third, the letter from the Minister of Foreign Affairs of Pakistan dated 20 January 1948.

I therefore believe that once we have made it clear that the Security Council is going to consider the two situations—Jammu and Kashmir first, and the other situation afterward—there should be no further disagreement as to the way in which they are included on the agenda.

(SCOR, 3rd Year, Mtg. no. 231, pp. 152-153)

83. Speech made by Mr. Austin (United States of America) in the Security Council Meeting held on 22nd January on change in the Agenda of the Council

I understand that the question pending is on the adoption of the agenda, nothing more. Therefore, the technical matter of whether this is the agenda of the Security Council must be determined by the provisional rules of procedure of the Security Council, and it is so determined. Rule 10 of the provisional rules of procedure of the Security Council states:

> "Any item of the agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the agenda of the next meeting."

Item 2 on the agenda of our last meeting was: "The Jammu and Kashmir question," and it contained sub-paragraphs (a) and (b). Sub-paragraph (b) was: "Letter dated 15 January 1948 from the Minister of Foreign Affairs of Pakistan to the Secretary-General concerning the situation in Jammu and Kashmir." In sub-paragraph 4 of part E of document II of that letter, which is contained in document S/646, we find the following:

> "...that Junagadh, Manavadar and some other States in Kathiawar, which have lawfully accepted to Pakistan and form part of Pakistan territory, have been forcibly and unlawfully occupied by the armed forces of the Indian Union

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> and extensive damage has been caused to the life and property of the Muslim inhabitants of these States, by the forces, officials and non-Muslim nationals of the Indian Union."

Therefore, it seems clear that the item on this agenda should be exactly the same item that was on the last agenda because it falls within rule 10 of the rules of procedure, and it has not been concluded. To use the language of rule 10, consideration of the item has not been completed.

Now then, of what force is this letter of 20 January 1948 from the Minister of Foreign Affairs of the Government of Pakistan, which is included in the agenda before us? Does it have anything to do with the agenda? The letter reads as follows: "I beg to request that a meeting of the Security Council may be called at as early a date as possible to consider the situation...set out in my letter dated 15 January 1948 addressed to the Secretary-General." The rest of the letter is an urgent statement of fact in support of that request for a meeting.

That decision is wholly under the control of the President under rule 1 of the rules of procedure of the Security Council. It has no place whatever on the agenda. Rule 1 of the rules of procedure of the Security Council reads as follows:

> "Meetings of the Security Council shall, with the exception of the periodic meetings referred to in rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days."

The paper which is before us as a provisional agenda does not conform to the rules. If there is anybody who cares enough about this fact to make a point, he stands on good parliamentary ground.

However, the whole matter is before us on that agenda as it lay on the table when we parted last. We have not concluded the business. Junagadh, as well as many other things, was included in the agenda of that date. Absolutely nothing new has been added to the agenda by the inclusion of subparagraph (c) of item 2, and, of course, no change is made in

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the issue by editorially changing the heading of the item. The substantive issue is in these papers, and nothing whatever that the Secretary-General can do can change the issue. So when we get right around to it, it makes no difference whether you title item 2 with the editorial heading that is now put on it, or whether you leave it exactly as it was headed before. It seemed perfectly clear to me that the rational procedure for the Security Council in this case was recognized in the resolution adopted on 20 January [*document S/654*]. We referred to the matters before us in this language:

"*The Security Council,*

"*Considering* that it may investigate any dispute or any situation which might, by its continuance, endanger the maintenance of international peace and security; that, in the existing state of affairs between India and Pakistan, such an investigation is a matter of urgency..."

That is the way we used the item on the agenda then. In another part of the resolution, we find this construction of our duties and of our rights with respect to the order in which we will handle this business. Clause D of the resolution reads as follows:

"The Commission shall perform the functions described in Clause C:

1. In regard to the situation in the Jammu and Kashmir State set out in the letter of the representative of India addressed to the President of the Security Council dated 1 January 1948"—that was sub-paragraph (a) of item 2 of the then agenda and the now legal agenda—"and in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948..." which refers to Junagadh.

Clause D continues with the construction that we put upon

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the order in which these matters are to be taken up. It continues as follows:

"...and

2. In regard to other situations set out in the letter from the Minister of Foreign Affairs of Pakistan addressed to the Secretary-General, dated 15 January 1948, when the Security Council so directs".

That clause does not bar the Security Council from taking any course which it wishes to take, but is a practical construction of the business in hand. It is a reasonable interpretation of what we can do and what we wisely should do in determining this matter—namely, go ahead first with that imminent question of Kashmir and Jammu. However, that does not exclude the consideration of all the other questions that are involved here, including that of Junagadh, which, in due time and in its regular order when it will be given the right consideration by the Security Council, will be taken up too. But the urgent business before us is to expedite further consultations with reference to laying down some arrangement upon which the parties can agree, under the guidance of the President of the Security Council. That is what we most desire: an arrangement to which the parties can agree in order to take care of the military and political situations in Jammu and Kashmir. The "other situations" will undoubtedly be attended to. They will probably be simplified greatly by the orderly disposition of this first business that is before us. Therefore, so far as I am concerned, it makes no difference whether the title "India-Pakistan question" is used or whether the title "Jammu and Kashmir question" is used. The same substantive matter is arrived at on our agenda.

(SCOR, 3rd Year, Mtg. no. 231, pp. 154-157)

84. Speech made by Sir Mohammed Zafrullah Khan (Pakistan) in the Security Council Meeting held on 22nd January 1948 on Demand for Change in Agenda of the Meeting

I do not know that it is now necessary for me to add much to the discussion on this point, particularly after the representatives of the United Kingdom and the United States have

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expressed their views. I do not desire to take up any purely technical points with regard to this matter.

So far as we can visualize the question of the agenda, the Security Council is dealing with matters that are disturbing the relations between India and Pakistan, matters which, if they are not satisfactorily resolved, might endanger the maintenance of international peace and security. One of those matters is that of Jammu and Kashmir. Other matters are set out in my letter of 15 January 1948. The Government of India knows that has been our position from the very beginning.

In answer to a letter from the Government of India of 22 December 1947, in which it informed us that it proposed to carry the question of Jammu and Kashmir to the Security Council, we said as follows in our letter of 30 December 1947, paragraph 2:

> "Despite the ominous hint contained in paragraph 3, I trust I am right in assuming that your letter is not an ultimatum but a forerunner of a formal reference of the matter to the United Nations. If so, nothing could be more welcome, for you will recollect that this is exactly what the Pakistan Government has been suggesting throughout as the most effective method of ironing out our mutual differences. I am, therefore, sincerely glad to find that you propose at last to adopt this particular line of approach to our problems."

Paragraph 3 goes on to add: "I must, however, confess my disappointment that your proposal apparently restricts the reference to the single issue of Kashmir. The episode of Kashmir, considered by itself, would look like a sentence torn out of its context. It is but an act in the unparalleled tragedy which is being enacted before our eyes ever since the announcement of the scheme of partition. The reference to the United Nations, therefore, in my opinion, must cover much larger ground and embrace all the fundamentals of the differences between the two Dominions. As I see it, it is neither Kashmir alone nor Junagadh or Manavadar, nor even the terrible tragedy of wholesale massacres of Muslim men, women

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and children in extensive areas of the Indian Dominion, but a totality of these horrors and iniquities, indicating but one consistent sinister pattern which should rightly form the subject-matter of international investigation. If the root causes of the evil which is vitiating our relations are not determined and removed, it is much to be feared that fresh incidents will continue to threaten the peace not only between the two Dominions, but in a much wider field."

I should like to draw attention here to document II, sub-paragraph C, of the document which we submitted to the Security Council [*document S/646*], where we say, in dealing with Kashmir:

> "The tragic events and the happenings in East Punjab and the Sikh and Hindu States in and around that Province had convinced the Muslim population of Kashmir and Jammu State that the accession of the State to the Indian Union would be tantamount to the signing of their death warrant. When the massacres started the Muslim population of the State realized that the fate that had overtaken their co-religionists in Kapurthala, Faridkot, Nabha, Jind, Patiala, Bharatpur and Alwar, et cetera, was about to overtake them also. A wave of terror thus ran throughout the State and the neighbouring district of West Punjab and the West Frontier Province. In their desperate situation the Muslim population of the State decided to make a final bid for liberty and indeed for their very existence, in which they had the full sympathy of their relations and fellow Muslims in the neighbouring districts of Pakistan. Several thousands of the Muslim people of the State, particularly in the area of Poonch, had served in support of the cause of the United Nations during the Second World War, and they decided to sell their lives dearly in the struggle with which they were now faced.
>
> "The Maharaja made this excuse to 'accede' to the Union of India and the Government of India thereupon landed its troops in the State without consultation with or even any notice to the Government of Pakistan, with whom the State

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had concluded a standstill agreement, and to the territories of which it was contiguous throughout practically the whole of its southern and western border."

This portion of our document II makes it perfectly clear that, at least as we view the struggle which is going on inside Kashmir, it is directly related to what had happened previously in East Punjab and some of the Indian States.

In our document III [*document S/646*], we said the following:

"It is to be noted that the first outside incursion into the State occurred more than a week after the Prime Minister of Kashmir had threatened to call in outside assistance. It is clear that the sole responsibility for these events must rest on the Maharajah's Government, which ordered the oppression of the Muslims as a matter of State policy on the model of what had happened in East Punjab and State like Patiala, Bharatpur, Alwar, et cetera, in conspiracy with the Indian Government, they seized upon this incursion as occasion for putting into effect the pre-planned scheme for the accession of Kashmir as a *coup d'etat* and for the occupation of Kashmir by the Indian troops simultaneously with the acceptance of the accession by India.

"The Pakistan Government have not accepted and cannot accept the accession of Jammu and Kashmir State of India. In their view the accession is based on violence and fraud. It was fraudulent inasmuch as it was achieved by deliberately creating a set of circumstances with the object of finding an excuse to stage the 'accession'. It was based on violence because it furthered the plan of the Kashmir Government to liquidate the Muslim population of the State."

Here again, the events in East Punjab and the other Indian States are set out as forming the background of what happened in Kashmir, and the question of the legality and the validity of the accession is raised. That is the most important question of all these matters that have to be resolved between India and Pakistan.

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The solution of that question would apply not only to Kashmir, but also to Junagadh. As the members of the Security Council are aware, the Junagadh State acceded to Pakistan long before the Kashmir State acceded to India, and the Junagadh State today is under the military occupation of the forces of the Government of India. When one addresses himself to the problem of what principle to apply to the question of how a State is to be deemed to have validly acceded to one Dominion or the other, surely he cannot exclude a parallel case from consideration. Otherwise, he might find himself in this position: having applied certain considerations to the case of Kashmir, he might find, when he came to deal with the case of Junagadh, that the elements in the situation were not susceptible—they might be, but it is also true that they might not be—of having the same considerations applied to the determination of accession there.

Our case throughout, then, has been that there is a situation or a number of situations which have unfortunately arisen between Pakistan and India, and that these incidents are the manifestations of those situations, and we have come here with the request that the Security Council should intervene to bring about an amicable adjustment and settlement of all these questions.

The order in which it may appear convenient and reasonable to the Security Council to deal with these matters is eminently a matter for the Council to decide. As I have said, I am not concerned with the technicalities of the question. So long as it is deemed that all these questions are before the Security Council and on its agenda, I do not insist that a particular heading be applied and I do not care whether the questions are set out as a, b, and c, or as 1, 2 and 3.

Naturally, I was forced to draw the attention of the President and the Council to these other documents, in spite of the fact that our letter of 15 January had already stated: 'It is requested that these documents may be placed before the Security Council and that the Security Council may be requested to deal with the complaint referred to in document II at the earliest possible date. It is further requested that all action

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required by the rules in connexion with these documents may kindly be taken as early as possible."

In spite of the fact, I say, that this request had already been received, I was compelled to address to the President a further letter, my letter of 20 January. I was compelled to do this in view of the fact that in our conversations under the guidance of the President, as soon as I attempted to draw even a parallel between the situation in Kashmir and the situation in Junagadh, or to make any reference to any of the other matters which were set out, my learned friends on the other side sought to shut me out on the excuse that these matters were not even on the agenda of the Security Council, that for the moment the Security Council had nothing to do with them, and that therefore I was not at all in order even to make a reference to these matters.

All that I desire is that these matters should be formally declared to be on the agenda of the Security Council. If they are already there, my object is served. As a matter of fact, during our conversations with the President, I had submitted to my friends on the other side the view that these matters were already on the agenda. The point taken by the representative of the United States was taken by me. I shall not say that I was overruled—the President gave no ruling on these matters—but I was unable to persuade my learned friends that these matters were on the agenda.

The point which I desire to have established clearly is that the Security Council is now seized of the situation between India and Pakistan and that situation has many facets, of which Jammu & Kashmir is only one. Once that is made clear, I do not press for any particular technical arrangement of the agenda. No doubt, the Security Council is proceeding with the matter of Jammu & Kashmir. If it finds it convenient to continue to do so, we are all anxious that it should continue. As has been observed by the representative of the United Kingdom, our efforts should be directed to finding, by agreement—or, if that should unfortunately prove impossible, then by and through the Security Council—a swift solution of the Jammu & Kashmir question.

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If such a solution is attained, then the other matters can immediately be taken up. If the Jammu & Kashmir question appears to proceed too slowly and efforts are being made—either in the Council or, under the guidance of the President, outside the Council—to arrive at a settlement, and if there is time, consideration of these other matters by the Council as a whole may also be started. That, naturally, must be left to the President and to the Council itself. As I have said, these are technical matters with which I am not concerned. So long as it is understood that all these matters are before the Council and properly on its agenda, and that the Council is seized of the whole matter, I am satisfied.

(SCOR, 3rd Year, Mtg. no. 231, pp. 157-160)

When it is said that we should proceed immediately with the question of Jammu and Kashmir, I have no objection to that, as I have already stated. But I made it clear from what I said that my position was not that we must necessarily await the conclusion of the whole matter of Jammu and Kashmir before any of the other matters are taken up by the Security Council. I did say that if we proceed swiftly with it, and find that the matter occupies the whole time either of the President or of the Security Council, obviously we cannot start with anything else. But if we should arrive at any stage where either the Security Council or the President is unoccupied—particularly the Security Council—and it is felt that the stage has been arrived at when a discussion of the other matter might usefully be started, that possibility should not be excluded.

(SCOR, 3rd Year, Mtg. no. 231, p. 164)

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